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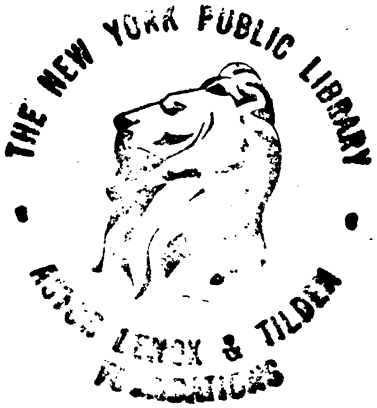
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BAILLIE'S INSTITUTION
GLASGOW

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TRUST DEED

BY

GEORGE BAILLIE, Esqr.

SENIOR MEMBER OF THE FACULTY OF PROCURATORS IN GLASGOW,

IN FAVOUR OF

The DEAN & COUNCIL of that FACULTY,

AND RELATIVE

DEED OF DIRECTIONS

FOR THE

ENDOWMENT AND MANAGEMENT

OF

Baillie's Institution,

WITH THE

MINUTE OF ACCEPTANCE THEREOF

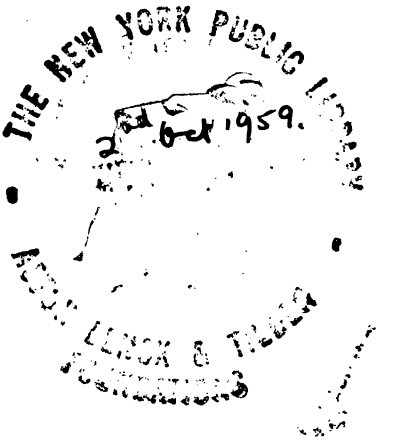
BY THE

DEAN AND COUNCIL,

DATED 10th AND RECORDED IN THE BOOKS OF COUNCIL AND SESSION AT EDINBURGH 15th DECEMBER 1863.

GLASGOW:
PRINTED BY JOHN GRAHAM, 23 ROYAL EXCHANGE SQUARE.
1864.

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TRUST DEED,

RECORDED IN THE BOOKS OF COUNCIL AND SESSION AT EDINBURGH 15TH DECEMBER, 1863.

Be it known by these presents that I, GEORGE BAILLIE, residing at thirty-seven Dalhousie Street in Glasgow, late Sheriff Substitute and Commissary Depute of the Western District of Perthshire, and now the oldest member of the Faculty of Procurators in Glasgow, BEING RESOLVED to execute this present Deed to take immediate effect, so that, *Deo favente*, I may, during my own lifetime, see the first steps taken towards the foundation of an Institution intended by me for the benefit of my townsmen, among whom my humble fortune was made, and should be expended, especially as I have no near kindred to provide for, AND CONSIDERING the admirable example set in former times by two members of my own profession in Glasgow, George and Thomas Hutchesone, whose pecuniary bequests, though amounting only to Three Thousand Four Hundred and Twenty-eight Pounds Sterling, according to the usually estimated value of Scots money, have, by being judiciously invested in land near Glasgow, and the progress of the City in commerce and manufactures, with the aid of a few bequests by other persons, become adequate to the support of one of the largest and most useful Institutions for benevolent objects in this City; CONSIDERING too that the present age seems to be distinguished from former ages in three important particulars—its enquiring spirit, its

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utilitarian character, and its reforming tendency; ALSO SEEING how necessary security of life and property is to the happiness and advancement of mankind, and that the great risk of any violent disturbance thereof, arises from mistaken and short-sighted views of the interests of society, and of individuals; whence it becomes the duty of every man, according to his convictions, and the means which Providence has bestowed on him, to contribute to the moral and intellectual culture of those who have to struggle with poverty and prejudice in their early years; AND CONSIDERING that the best mode of adapting public and private educational institutions to the wants of the operative classes in this country, is still a subject of doubt which will probably be better understood hereafter, and that it may be expedient, therefore, to defer for the present the adoption of any precise Constitution and Rules whereby such an Institution as I contemplate is to be governed, merely indicating the leading features by which I wish it to be characterized, and which I mean to be indelibly impressed upon it; LASTLY, CONSIDERING that by such postponement of the actual commencement of the Institution, the funds which I have destined thereto will, by accumulation of the annual interest or proceeds, aided by due circumspection and economy in the management thereof, become more adequate for its attainment; THEREFORE, and for the favour I feel for the honest, sober, and industrious operative classes in Glasgow, I HAVE GIVEN, GRANTED, ASSIGNED, and CONVEYED, and do hereby absolutely and irrevocably GIVE, GRANT, ASSIGN, and CONVEY from me, my heirs, executors, and successors whomsoever, to and in favour of ANDREW BANNATYNE, writer in

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Glasgow, as Dean, and THOMAS GRIEVE WRIGHT, JOHN NAISMITH, ALEXANDER BENNET M'GRIGOR, WILLIAM BURNS, and JAMES ROBERTON, all writers in Glasgow, as Members of Council, and to ROBERT JAMESON, as Clerk of the said Faculty of Procurators in Glasgow, and to their quorum and successors in office *in perpetuum*, as Trustees for the purposes aftermentioned, ALL and WHOLE the sum of EIGHTEEN THOUSAND POUNDS Sterling, contained in and due to me by the following documents, namely—A Bond, dated the seventh day of July, Eighteen hundred and Fifty-seven years, by the Trustees of the River Clyde and Harbour of Glasgow, in my favour, for SIX THOUSAND POUNDS Sterling, with interest and penalty in case of failure in punctual payment as therein expressed; Also, a Promissory Note, dated the fourth day of July, Eighteen hundred and Sixty-one years, by John Strang, as Chamberlain of the Corporation of the City of Glasgow, for TEN THOUSAND POUNDS Sterling, payable to me, or my order, one day after the date thereof; Also, another Promissory Note, by the said John Strang, as Chamberlain foresaid, dated the fourth day of December, Eighteen hundred and Sixty-two years, for ONE THOUSAND POUNDS Sterling, payable to me, or my order, one day after the date thereof; And, Lastly, another Promissory Note, by the said John Strang, as Chamberlain foresaid, dated the fourth day of June, Eighteen hundred and Sixty-three years, for ONE THOUSAND POUNDS Sterling, payable to me, or my order, one day after the date thereof; With the said writs and all other writs, titles, and securities of the said several sums, and whole interest due, and to become due thereon, from and after the term of Martinmas last, Eighteen hundred

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and Sixty-three, SUBROGATING and hereby SUBSTITUTING my said Assignees in my full right, title, and place of the premises; with power to them to recover, receive, and discharge the said sums, principal, and interest as fully and effectually as I could do myself heretofore; And I BIND and OBLIGE me and my foresaids to warrant and defend this Assignation, and all that has followed or can competently follow thereon, against all acts and deeds done or that may be done by me or my foresaids contrary thereto; BUT these presents are granted to and are to be accepted by my said assignees IN TRUST ONLY, and under the conditions, declarations, and provisions, with the powers and privileges, and for the ends, uses, and purposes, aftermentioned, viz. *First*, For the purpose of paying the expenses of the Trust hereby constituted out of the annual interest or proceeds of the said funds: *Second*, For the purpose of accumulating the nett income of the said Trust Funds, with the interest and proceeds thereof, and any addition thereto which I may make by any *de presenti* donations during my lifetime, or by any testamentary writing which I may execute to take effect at my death, with the interest and proceeds of such donations and bequests, and that during the period of twenty-one years complete from and after the said term of Martinmas last, Eighteen hundred and Sixty-three years, and adding the said interest and proceeds half-yearly, as they are received, to the principal sums themselves, so as compound interest may be thereby accumulated on the Trust Funds: *Third*, For the purpose of applying the whole of the said accumulated Trust Funds at the end of the said twenty-one years to the erection and endowment of an Educational Institution

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in Glasgow, to be called "BAILLIE'S INSTITUTION," which shall have for its object—1*st*, To aid the self-culture of the operative classes, from youth to manhood and old age, by furnishing them with warm, well lighted, and every-way comfortable accommodation, at all seasons, for reading useful and interesting books, in apartments of proper size attached to one or more Free Public Libraries provided for them; and 2*d*, to afford to the children, male and female, of the operative classes, the means of unsectarian, moral, and intellectual instruction, and industrial training in one or more Schools and School grounds, either gratuitously, or for such small consideration in the form of School fees as my said Trustees may think advisable: *Fourth*, In order to facilitate both or either of the said objects, I DIRECT my Trustees to purchase or build suitable premises in one or more convenient and suitable localities in Glasgow, and to remove from and change the same as may in consequence of any alterations in the circumstances of the inhabitants of such locality or localities, or otherwise, appear advisable, And in the event of any opportunity presenting itself, such as might arise by the City of Glasgow adopting "The Public Libraries Act, 1850" (now extended to Scotland), or by any similar Act or Acts, or by the mortification of other private funds to the purposes I have now in view, or either of them, so that the efficiency of the machinery herein provided may be increased, I AUTHORIZE and EMPOWER my Trustees to avail themselves thereof, according to the best of their discretion, after the expiry of the said twenty-one years, but only in such form as shall still preserve the separate identity and name of "BAILLIE'S INSTITUTION," hereby founded: *Fifth*,

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Having *simul et semel* with the execution of these presents subscribed a Deed of Directions to my Trustees for the management of this Trust, they shall be BOUND and OBLIGED to give effect to and carry out the purposes of the Trust as therein explained, but with the discretionary powers, in certain particulars, to the extent therein expressed: *Sixth*, For facilitating the execution of the Trust I hereby AUTHORIZE and DIRECT my said Trustees, without any undue delay, to take the best and fittest means to procure a Crown Charter confirmatory of this Trust, and constituting them perpetual Preceptor, Patrons, and Directors of "BAILLIE'S INSTITUTION," with corporate powers to sue and be sued in that capacity, and also as Trustees under this Deed to hold heritable property for behoof of the Trust, and to sell and dispose of the same, to grant deeds connected with this Trust under seal, and authorizing them in general to do all acts, deeds, matters, and things whatsoever, necessary and requisite, for carrying into effect the objects of this Trust; DECLARING that in this particular I wish respectfully to manifest my confidence in the intelligence, integrity and good management of my professional brethren in the Faculty, and my ardent desire, to the utmost of my humble means, to enlarge their sphere of usefulness, influence, and dignity among their fellow-citizens, in the belief that they will emulate the excellent example shown, as aforesaid, by their distinguished professional predecessors, George and Thomas Hutchesone, and by evincing due zeal, foresight, and fidelity in the administration of the Institution, and economy in its management, nobly refute any unjust and foolish aspersions which may occasionally have been thrown by ignorant

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men on the legal profession as a class, to the special detriment of the public interest: *Seventh*, For the purpose of enabling my said Trustees to manage and dispose of the said Trust funds in the most profitable, yet secure, manner possible, I hereby AUTHORIZE and DIRECT them to keep the sums lent out, as at present, to the said River and Harbour Trustees, and to the said Corporation, and to lend the interest thereof, as it arises half yearly, to the said Corporation upon its promissory note, as has been my own practice heretofore for many years, or in their discretion to invest the same from time to time in the British or East India Government Stocks, or in the purchase of ground eligible for feuing or building purposes, and likely to rise in value (including a site or sites for the said Reading Rooms, Libraries, and Schools, if they shall see fit), or of house property, in or near Glasgow, or of Feuduties, or Ground Annuals, or to lend out the same on the Debentures of any Trust or Joint-Stock Company in the United Kingdom authorised by Parliament to issue the same, or on good heritable security in Scotland, at the best procurable interest, care being taken that the heritable subjects, if Houses, be kept insured against fire to a sufficient extent in some long established and well known Insurance Office, and that Receipts for the payment of the relative premiums be exhibited yearly to my said Trustees; also that the sufficiency of the Houses for the sums lent thereon be vouched by a proper Valuator periodically as they shall fix; AND I HEREBY EMPOWER my said Trustees to realize the said investments and loans from time to time as they shall see fit, and again to invest or lend out the Trust funds as aforesaid; DECLARING that the debtors to my Trust estate

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and the parties to whom the funds of the Trust may be lent, or who may purchase any part of the Trust estate shall have no concern or right to see to the application of the money owing by them: *Eighth*, I HEREBY FURTHER EMPOWER my said Trustees from time to time to appoint their Clerk of the Faculty, (notwithstanding he is one of my Trustees,) or any other respectable Member of Faculty, to be their Chamberlain, and as such to officiate as their Treasurer, Factor, and Clerk, under this present Trust during their pleasure, and he, as well as his successors in office, shall receive a moderate and just allowance for their trouble, they being bound before entering on the execution of their offices to find good security for their intromissions to such extent as my Trustees shall fix; BUT I RESERVE to myself, if inclined, the exclusive right and title to officiate personally or by deputy as Chamberlain, under the control and direction of my said Trustees, during my lifetime—now necessarily a brief one, as I shall enter my eightieth year in a few days—my said Trustees paying me for my services as Chamberlain, either personally or by deputy, a salary at the rate of Two Hundred Pounds Sterling *per annum*, and that quarterly at the terms of Candlemas, Whitsunday, Lammas, and Martinmas, so long as I continue to officiate as aforesaid, and commencing at the term of Candlemas first for the quarter immediately preceding: *Ninth*, For the encouragement of my said Trustees to accept office I HEREBY DECLARE that they shall not be liable for the unremunerative results of any investments they may make, or for the responsibility or sufficiency of the securities on which they may lend the Trust funds, or for the solvency of any Chamberlain they may appoint

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to manage the affairs of the Trust, except that ordinary diligence be used in the selection of such securities and Chamberlain, neither shall they be liable for omissions, or neglect of duty, or *singuli in solidum*, but each for his own actual intromissions only: *Tenth*, I DECLARE it to be my intention that the enactments of the Act 24 and 25, Vict. cap. 84, as to trust deeds shall not apply to the present Trust; AND I APPOINT and ORDAIN my said Trustees to take the writs, title deeds, and securities of the said investments, purchases and loans in favour of themselves and their successors expressly IN TRUST ONLY, in terms of and for the purposes expressed in this Deed, and in the said Deed of Directions executed of even date with these presents, both of which shall be therein expressly referred to, but dispensing hereby with the insertion of such purposes themselves in said writs, title deeds, and securities: *Eleventh*, I HEREBY SPECIALLY DIRECT my said Trustees to cause their Chamberlain within one month at latest after each term of Whitsunday to prepare, print, and transmit to each member of the said Faculty resident in or near Glasgow, a distinct and detailed debtor and creditor Report, showing as at said term of Whitsunday yearly, 1*st*, The existing condition of the Trust estate, including detailed information as to the loans, investments, and whole other property of the Trust; 2*d*, The whole interest and income thence derived, and the entire expenditure of the Trust during the year ending at each term of Whitsunday; and 3*d*, The whole Bank operations of the Trust, with the various drafts and deposits during the year ending as aforesaid, and the annual interest arising thereon, so that the Members of Faculty may be enabled easily and

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accurately to perceive the real state of the whole Trust funds and operations, and the source and extent of the accumulations and clear additions made thereto each year for the purposes of the Institution herein beforementioned: *Lastly*, I HEREBY REQUEST and AUTHORISE the Faculty at each of their annual meetings in May to appoint from among themselves an Audit Committee for the purpose of ascertaining and attesting the accuracy or inaccuracy, as the case may be, of the said annual Reports after duly comparing the same with the relative Vouchers, but prior thereto the Report and Vouchers shall lie during one week in the Faculty Library for examination by the Members of Faculty, who shall each receive one week's previous notice, per post, of the fact of its said depositation with the relative vouchers for examination by them if inclined; And I do hereby specially DIRECT the said Audit Committee, if the Faculty shall be pleased to agree to my request, to place a Docquet on the Report, as soon as may be after the term of Whitsunday, in order that the same may be forthwith printed and transmitted as aforesaid to each Member along with the Report; and in case of any inaccuracy I hereby specially EMPOWER and DIRECT the said Faculty if they shall see cause, at any meeting of the body, to give instructions to my said Trustees whereby the said inaccuracy may be corrected and similar inaccuracies avoided in future; And I consent to the registration hereof for preservation: In Witness Whereof these presents, written upon this and the eight preceding pages of stamped paper by Charles Lawson, clerk in Glasgow, ARE SUBSCRIBED by me AT GLASGOW, this tenth day of December, Eighteen hundred and Sixty-three years, in presence of the

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Honourable John Blackie, Junior, at present Lord Provost of the City of Glasgow, Sir James Campbell of Stracathro, Knight, merchant in Glasgow, and the said Charles Lawson, witnesses thereto, specially convened and hereto with me subscribing, the said Charles Lawson, writer hereof, being resident at 448 Argyle Street, Glasgow.

(Signed) GEO. BAILLIE.

(Signed) JNO. BLACKIE, Junr., *Witness.*
JAS. CAMPBELL, *Witness.*
CHAS. LAWSON, *Witness.*

We, ANDREW BANNATYNE, writer in Glasgow, Dean, THOMAS GRIEVE WRIGHT, JOHN NAISMITH, ALEXANDER BENNET M'GRIGOR, WILLIAM BURNS, and JAMES ROBERTON, all writers in Glasgow, Members of Council, and ROBERT JAMESON, Clerk of the Faculty of Procurators in Glasgow, all named and designed in the foregoing Deed, executed by George Baillie, Esquire, residing at thirty-seven Dalhousie Street, Glasgow, late Sheriff Substitute and Commissary Depute of the Western District of Perthshire, DO hereby ACCEPT of the Trust and of the Office of Trustees thereby conferred on us, UNDER the Conditions and Provisions, and in the terms therein, and in the Deed of Directions therein referred to, expressed; And we CONSENT to the REGISTRATION of this Minute along with said Deeds: In Witness Whereof we have Subscribed this Minute of Acceptance, written on stamped paper by William Fergusson, clerk to the said Robert Jameson, at Glasgow, as follows, viz^{t}:— We the said Andrew Bannatyne, Dean, Thomas Grieve Wright, John Naismith, Alexander Bennet M'Grigor,

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James Roberton, and Robert Jameson, have subscribed it the eleventh day of December, Eighteen hundred and Sixty-three, before these witnesses, Robert Jameson, junior, and James Weir, both clerks to the said Robert Jameson, and I, the said William Burns, have subscribed the same on the twelfth day of said month and year, before these witnesses, the said Robert Jameson, junior, and James Weir.

(Signed) ANDr. BANNATYNE, Dean.
THOS. G. WRIGHT.
J. NAISMITH.
ALEX. B. M'GRIGOR.
WILLIAM BURNS.
JAMES ROBERTON.
R. JAMESON.

(Signed)
Robert Jameson, Jr., *Witness.*
James Weir, *Witness.*
Robert Jameson, Jr., *Witness.*
James Weir, *Witness.*

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DEED OF DIRECTIONS,

RECORDED IN THE BOOKS OF COUNCIL AND SESSION AT EDINBURGH 15TH DECEMBER, 1863.

I, GEORGE BAILLIE, residing at thirty-seven Dalhousie Street in Glasgow, CONSIDERING that by a Trust Deed, executed by me of even date herewith, I did on the narrative therein contained GIVE, GRANT, ASSIGN and CONVEY, *de presenti*, from me, my heirs, executors and successors whomsoever, to and in favour of ANDREW BANNATYNE, writer in Glasgow, as Dean, and THOMAS GRIEVE WRIGHT, JOHN NAISMITH, ALEXANDER BENNET M'GRIGOR, WILLIAM BURNS, and JAMES ROBERTON, all writers in Glasgow, as Members of Council, and ROBERT JAMESON as Clerk of the Faculty of Procurators in Glasgow, and to their quorum and successors in office *in perpetuum* as Trustees for the purposes therein mentioned, ALL and WHOLE the sum of EIGHTEEN THOUSAND POUNDS STERLING, contained in certain documents therein enumerated, but IN TRUST ONLY, under the conditions, declarations and provisions, with the powers and privileges, and for the ends, uses and purposes therein and herein aftermentioned; And CONSIDERING that by the said Trust Deed it is stated that *simul et semel* with the execution thereof I had executed a separate Deed wherein Directions were given to my said Trustees for the management of the said Trust, as the said Trust Deed, to which reference is now made, in itself more fully bears; THEREFORE I do now hereby give these Directions as follows:

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First, I EMPOWER and DIRECT my said Trustees when and so soon as they shall accept of the said Trust, to forthwith cause the Trust Deed itself, and this present Deed of Directions, to be recorded in the Books of Council and Session for preservation and publication, and Extracts thereof to be sent to me: *Second*, I EMPOWER and DIRECT my said Trustees to pay the sum of One Hundred Guineas to any member of the Faculty of Procurators in Glasgow, or other competent person, who shall within two years from a time to be forthwith fixed by my said Trustees, write, print, and publish, in a handsome style, an accurate, comprehensive, and well-expressed History of the said Faculty, from its germ under the Bishops and Archbishops of this See, while Lords of the Regality of Glasgow, with considerable judicial powers in criminal matters, and Judges Superior *in spiritualibus* and consistorial affairs over the extensive Archbishoprick of Glasgow, until the present time, to the entire satisfaction of my said Trustees; And for that purpose I hope the Faculty will forthwith not only invite Competition and make known the terms of this part of my instructions, but give Competitors free access to their Archives, and afford any other aid in their power; also for the better encouragement of the said work, its Author shall retain his copyright thereof, notwithstanding the said donation: *Third*, I specially DIRECT my said Trustees, as soon as may be after their acceptance of this Trust, to cause the said Trust Deed and this Deed of Directions to be printed, and a copy thereof to be sent to each Member of the said Faculty; Also as often as any new member is admitted to the Faculty, I DIRECT my said Trustees to furnish him with a printed copy

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thereof—so that the whole Members of that body may at all times be acquainted with the nature and purposes of this Trust, and, in particular, be prepared to give their opinion on the Constitution of the said Institution, and Appropriation of the Funds, when these questions are submitted to them by my said Trustees in manner aftermentioned: *Fourth*, Upon an arithmetical calculation it appears that if, during a period of twenty-one years, there can be realized a clear average yearly income of four and a half *per centum* upon said principal sum of Eighteen Thousand Pounds Sterling, it at compound interest half-yearly ought to amount to about Forty-six Thousand Pounds Sterling at the expiry of the said period, besides any additions thereto which I may make by donations during my lifetime, or by any testamentary writing to take effect at my death, with interest thereon, But be the pecuniary result of said accumulations more or less, I hereby specially DIRECT my said Trustees, on the day of the expiration of said twenty-one years, to close and terminate the said accumulations, and within two months thereafter to cause their Chamberlain to prepare, print, and transmit to each Member of the said Faculty resident in or near Glasgow, a distinct and detailed Vidimus of the Trust affairs, docqueted by my Trustees after due examination thereof, so that the Members may be informed accurately as to the whole funds and property, heritable and moveable, which have been accumulated and are then available for the erection and endowment of the Institution mentioned in the said Trust Deed: *Fifth*, I specially DIRECT my said Trustees, with all convenient speed, and at all events within six months after the expiration of said

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period of twenty-one years, to prepare the Draft Constitution of such an Institution, with Rules and Regulations suited thereto, as are in their opinion best adapted to carry out the purposes of this Trust, in harmony with the general principles which I have laid down in the said Trust Deed, and in conformity with the special directions aforesaid; and for the purpose of enabling them intelligently and successfully to prepare that Draft, I RECOMMEND my said Trustees to inform themselves beforehand as to the probable expense of the erection or purchase of buildings, and the purchase of furniture and books, and of the probable annual expenditure of the Trust, including the maintenance and insurance yearly of such buildings, furniture, and books, and the extension of the Libraries, one or more, by the purchase of new books, and the salaries of all officials, and thereupon to resolve what proportion of the Trust Funds it would be expedient to appropriate to the several objects now mentioned, or other objects that may appear to them necessary or proper for carrying out my intentions, care being taken to retain always a Reserved Fund sufficient to meet any extraordinary expenditure which may occasionally occur: *Sixth*, I specially DIRECT my said Trustees so soon as said Draft Constitution, with its Rules and Regulations, has been prepared, to cause the same to be printed, and a copy transmitted to each Member of the said Faculty, and I hereby REQUEST the Dean for the time being of said Faculty to convene a special meeting of the body for the purpose of considering the said Drafts, and approving or disapproving thereof, as well as of the proposed Appropriation of the Trust Funds as aforesaid; and I specially

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DIRECT that if the Faculty at said meeting, or at any adjournment thereof, shall express an opinion in favour of an alteration on the Drafts or other matters submitted to them, my said Trustees shall give effect to such opinion and conform themselves thereto, but if the Faculty shall approve of said Drafts and Appropriation of Funds, or fail to pronounce any opinion thereon within two months after the said Drafts have been so transmitted, my said Trustees shall be at liberty to adopt said Drafts and Appropriation of Trust Funds, and the same shall thereupon be binding on all parties concerned in the administration of said Trust, unless altered as aftermentioned: *Seventh*, In case at any after time or times it shall appear to my said Trustees expedient to introduce alterations on the said Constitution, Rules and Regulations, or on the Appropriation of the said Funds, they shall be entitled to do so by following out the same course of procedure as is provided in regard to the original Constitution and Appropriation in Articles Fifth and Sixth hereof, *mutatis mutandis*, provided these alterations are fitted to carry out the purposes of the Trust, in harmony with the general principles which I have laid down in the said Trust Deed, and in conformity with the special directions in this present Deed: *Eighth*, If unfortunately and unexpectedly it shall be found at the expiration of the said period of twenty-one years, that there is not a sufficiency of Trust Funds for establishing and supporting the two branches of the Scheme stated in my said Trust Deed, namely both the Libraries, one or more, and the Schools, I hereby specially DIRECT my said Trustees, and REQUEST the said Faculty to abstain at least for the time from the execution of that

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branch of the Scheme which relates to the Schools, or to restrict it within such limits as shall leave a clear sufficiency of funds for the Libraries, and Reading Rooms, one or more, as herein before directed; Moreover in case the Trust Funds should prove adequate only to carrying out the Schools in a restricted way, I RECOMMEND my said Trustees to endeavour to avail themselves of any other source of pecuniary aid which may be open to them, to supplement my funds, such as the grants at present made by the Committee of the Lords of the Privy Council on Education; and I hereby DECLARE that the several directions which I have now given under this and the seven foregoing heads of these presents, and also the clauses in my said Trust Deed as to preparing, printing, and transmitting to each Member of Faculty, at Whitsunday yearly, a detailed Debtor-and-Creditor Report of the Trust Funds, and the appointment of an Audit Committee to examine and docquet the same, are intended by me to be fundamental and unalterable provisions and conditions of the Trust Deed before mentioned, and as such are to be given effect to by my said Trustees, without any power of alteration, except in so far as herein before provided; But there are other provisions and conditions which, although they now appear to me of equal importance in the view of carrying out my intentions, are not of a nature which it would be advisable to declare equally binding on my said Trustees, or incapable of alteration, seeing that the rapid changes in the habits and manners of the people, and the progress of wealth, knowledge, and public opinion might render them inexpedient; I will now, therefore, confine myself to specifying these, and calling the attention of my

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said Trustees, and of the said Faculty, to them, in the confident hope that when the Constitution of the Institution and its Rules and Regulations come to be settled, or to be afterwards altered, they may see their way to give effect to them, and at all events to do nothing contrary to the spirit which pervades them, and which I consider essential to the realization of my intentions: *In the first place*, as my extensive travels and long observation in many foreign countries have shown me the great success of the unsectarian education afforded in some of them, especially in various Protestant countries abroad, also in some of our Colonies, and in Ireland by means of the Queen's Colleges, I DECLARE my main object to be by means of self-culture and of unsectarian moral and intellectual instruction, to inculcate and enforce the utmost attainable extent of rectitude, intelligence, industry, self-reliance, and self-control among the poor adult industrial population of Glasgow, and their children, and to promote a proper respect for Law and Order, whereby Crime and Fraud may be restrained in this great commercial community, And I wish for that purpose that the Libraries and Reading Rooms as well as the Schools should be conducted on impartial principles, and never allowed to become subservient to the promotion of the peculiar views or interests of any religious denomination, or of any particular party in Church or State, And I therefore deem it advisable not only that persons of every creed should be admitted to the benefits of the Libraries, Reading Rooms, and Schools, but that neither by the selection of books for the Libraries, nor by the instructions given in the Schools, should any attempt be made, to bias the opinions of the

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Readers or Scholars in regard to doctrinal religion, or Church Establishments, as to both of which great diversity of opinion now prevails, and will probably always more or less prevail in the Community, according to its educational condition; I have to suggest therefore (1.) that the Libraries shall consist chiefly of such works in Art, Science, Literature, History, Natural History, Biography, Political Economy, Geography, Voyages and Travels as are calculated to interest and improve the intellectual and moral character of the readers, and promote their advancement in practical and useful knowledge, and without dictating on matters of detail I may point out that there are many Encyclopædias and Dictionaries, Periodicals, and short Treatises now published, which are peculiarly attractive, as well as full of instruction, and expressly adapted to the class of society whom I wish to benefit, And although I have not in the foregoing enumeration specially mentioned Medicine or Law, I am of opinion that, to an enquiring mind, it is of value to furnish some elementary instruction not only as to the frame and functions of the body in health and disease, but as to the legal rights of parties in the ordinary social relations of life; (2.) The perusal of books should be accompanied by reference to maps, and where possible to models and even anatomical specimens which might to some extent be beneficially exhibited in the Institution, and I RESERVE power to myself at any time or times to lodge with the Dean of the said Faculty, or the Chamberlain of the Trust, a list of books, &c. which I specially DESIRE and REQUIRE to form part of the said Libraries; (3.) The Libraries shall not, in the first instance at least, be lending ones, but the books shall be

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read only in Public Reading Rooms to be attached thereto, having suitable side rooms, with separate entrances set apart for female readers, at such hours and under such regulations as may from time to time be fixed in terms of the Constitution; (4.) As it is my wish that the Libraries should contain books of a moral and religious character, some of them showing, *inter alia*, in a searching and impartial way, the objections to, as well as the proofs of Christianity, and others setting forth the grounds derived both from Scripture and Philosophy for leading a virtuous and religious life, I RECOMMEND that on Sunday, as the only day when the hard working man can study such subjects, the Libraries and Reading Rooms should, for that purpose only, be kept open from eight o'clock in the morning until ten o'clock at night, except during the ordinary hours of church service, and, as to the rest of the week, that they be kept open daily from ten o'clock in the forenoon until ten o'clock at night, during the months of November, December, January, and February, and from eight o'clock in the morning until ten o'clock at night, during the rest of the year; (5.) My earnest desire with regard to the Schools being that they should be of an entirely unsectarian character, I DESIRE, if promotive of that object, that the instruction should be exclusively secular, by which however I do not mean that the instruction should be solely intellectual, on the contrary it ought to embrace also the duties of man towards God and his fellow creatures, and in particular the cultivation of his feelings and affections, and the establishment of virtuous and industrious habits: *In the second place*, for the good management of the Libraries I have now to SUGGEST (1.) That Librarians should be from

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time to time appointed by my said Trustees, but removeable at pleasure, and that such salaries should be paid to them as my said Trustees may fix, they finding security for the faithful execution of their duties to the satisfaction of my said Trustees; (2.) That rules should be made to enforce care, cleanliness, and silence in the use of the books by the readers; (3.) That the books should be plainly bound, and from time to time when injured by use or accident be repaired or replaced with new copies, and that not only the buildings but the collection and furniture both of the Libraries and Schools should be insured against fire in some old established office; (4.) That Catalogues of the books in the Libraries should be from time to time prepared by the Superintendent Librarian, and printed and sold at prime cost to the public, and that copies thereof should be sent gratuitously to each Member of Faculty resident in or near Glasgow, to which Catalogues should be annexed the Rules of the Libraries and Reading Rooms: *In the third place*, The Superintendent Librarian should each year, at or as soon as practicable after the term of Whitsunday, lay before my said Trustees, a distinct and detailed Report, showing in classified form the entire number of books, pamphlets, periodicals, maps, models, specimens (if any) within the building, distinguishing the additions made within the year then ending, as well as those which have been lost, injured, or made useless; also the number of readers who have availed themselves of the privilege of reading each day or month, classified if possible according to their ages and occupations, and the number of volumes handed to them for perusal; The Superintendent Librarian should also accompany said Report with

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a Financial Account of the expenditure, and the whole should be summed up with a table of the results as contrasted with one or more of the years last preceding: *In the fourth place*, with reference to the Schools I am desirous that sobriety, assiduity and zeal on the part of the Teachers, and emulation, docility and attention on the part of the Scholars, should be promoted and enforced by all well considered means, care being taken as much as possible in the selection of Teachers, to choose those who happily possess the necessary aptitude for teaching, as well as that equanimity of temper which seldom fails to ensure respect and obedience, Reserving, to my said Trustees, power to dismiss any Teacher whenever dissatisfied with his conduct or capacity, and as a salutary stimulant both to the Teachers and Taught there should be yearly examinations and a judicious distribution of useful prize books: *In the fifth place*, I RECOMMEND time and space to be appropriated for the practice of gymnastic exercises under properly qualified Teachers, and for such innocent play as is suitable to the ages of boys and girls attending the Schools, and if it be practicable, I DESIRE that my said Trustees may add to the Schools a department for the Industrial Training of both boys and girls in such occupations as may be of use to them in after life; as for instance the instruction of boys in the proper handling of tools of various handicrafts, and the instruction of girls in plain cooking, sewing, knitting, washing, dressing, and other parts of domestic economy; But my anxious desire is, while thus endeavouring to cultivate the mind, and improve the strength and health of the body, and encourage the industrious habits of the Children, that great care should be taken not to relieve

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their parents and relations of their moral and legal duties, and not to loosen the domestic tie: *In the sixth place*, the Headmaster or Rector of the Schools should each year, at or as soon as practicable after the term of Whitsunday, lay before my said Trustees, a distinct and detailed Report of the proceedings of the year then ending, showing, *inter alia*, the numbers and ages of the Scholars of each sex, their average attendance, their course of study, and their general behaviour and progress, also the expenditure for salaries, wages, school books, prizes, stationery, fuel, gas, water, or otherwise, to be summed up in a Table of the results as contrasted with one or more of the years last preceding: *In the seventh place*, printed copies of that Report, and of the Report of the Superintendent Librarian mentioned in the third head of the foregoing provisions, should be sent forthwith, after each term of Whitsunday, to each Member of Faculty resident in or near Glasgow; And I CONSENT to REGISTRATION hereof for preservation: **In Witness Whereof** these presents, written upon this and the nine preceding pages of stamped paper by Charles Lawson, clerk in Glasgow, ARE SUBSCRIBED by me, AT GLASGOW, this tenth day of December, Eighteen hundred and Sixty-three years, in presence of the Honourable John Blackie, Junior, at present Lord Provost of the City of Glasgow, Sir James Campbell of Stracathro, Knight, merchant in Glasgow, and the said Charles Lawson, witnesses thereto, specially convened, and hereto with me subscribing, the said Charles Lawson residing at 448 Argyle Street, Glasgow.

(Signed) (Signed) GEO. BAILLIE.

JNO. BLACKIE, Junr., *Witness.*
JAS. CAMPBELL, *Witness.*
CHAS. LAWSON, *Witness.*

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This is the Deed of Directions referred to in the DEED of TRUST executed by GEORGE BAILLIE, Esquire, before named and designed, and in the Minute by us, ANDREW BANNATYNE, Dean, THOMAS GRIEVE WRIGHT, JOHN NAISMITH, ALEXANDER BENNET M'GRIGOR, WILLIAM BURNS, and JAMES ROBERTON, Members of Council, and ROBERT JAMESON, Clerk of the Faculty of Procurators in Glasgow, accepting of the Trust by the said Deed conferred on us, and we CONSENT to this Docquet being REGISTERED along with said Deed of Directions: In Witness Whereof we have subscribed this DOCQUET, written by William Fergusson, clerk to the said Robert Jameson, at Glasgow, as follows, viz. We the said Andrew Bannatyne, Dean, Thomas Grieve Wright, John Naismith, Alexander Bennet M'Grigor, James Roberton, and Robert Jameson HAVE SUBSCRIBED it the eleventh day of December, Eighteen hundred and Sixty-three, before these witnesses, Robert Jameson, Junior, and James Weir, both clerks to the said Robert Jameson, and I, the said William Burns, HAVE SUBSCRIBED the same on the twelfth day of said month and year, before these witnesses, the said Robert Jameson, Junior, and James Weir.

(Signed) ANDW BANNATYNE, DEAN.
(Signed) THOS. G. WRIGHT.
ROBERT JAMESON, JR., *Witness.* J. NAISMITH.
JAMES WEIR, *Witness.* ALEX. B. M'GRIGOR.
ROBERT JAMESON, JR., *Witness.* WILLIAM BURNS.
JAMES WEIR, *Witness.* JAMES ROBERTON.
R. JAMESON.

GLASGOW: PRINTED BY JOHN GRAHAM, 23 ROYAL EXCHANGE SQUARE.

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ROYAL CHARTER

IN FAVOUR OF THE

DEAN, MEMBERS OF COUNCIL, AND CLERK

OF THE

FACULTY OF PROCURATORS IN GLASGOW,

AS

PRECEPTOR, PATRONS, AND DIRECTORS

OF

Baillie's Institution,

DATED

18th MARCH, 1867.

GLASGOW:
PRINTED BY JOHN GRAHAM, 3, ST. VINCENT PLACE.

1867.

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ROYAL CHARTER

IN FAVOUR OF

Baillie's Institution.

DATED 18th MARCH, 1867.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith: To all whom these present letters may come, greeting: WHEREAS JAMES MITCHELL, Writer in Glasgow, Dean of the Faculty of Procurators in Glasgow, and JAMES MORRISON, JAMES GALBRAITH, JAMES GRAHAM, GEORGE SMITH, and JAMES BURNS KIDSTON, all Writers in Glasgow, Members at present of the Council of the said Faculty, and ROBERT JAMESON, Clerk of that Faculty, Trustees acting under and in execution of a Trust Deed, dated at Glasgow, the tenth day of December, in the year of our Lord One thousand eight hundred and sixty-three, and recorded in the Books of Council and Session at Edinburgh the fifteenth day of the said month, MADE and GRANTED by GEORGE BAILLIE, Esquire, residing at Thirty-seven Dalhousie Street, in Glasgow, late Sheriff Substitute and Commissary Depute of the

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Western District of Perthshire, by their most humble Petition have represented to us that, by the said Trust Deed the said George Baillie, on the narrative that he was resolved to execute the said Deed to take immediate effect, so that, *Deo favente*, he might during his own lifetime see the first steps taken towards the foundation of an Institution intended by him for the benefit of his townsmen, among whom his humble fortune had been made, and should be expended, especially as he had no near kindred to provide for; And that CONSIDERING the admirable example set in former times by two members of his own profession in Glasgow, George and Thomas Hutchesone, whose pecuniary bequests, though amounting only to Three Thousand Four Hundred and Twenty-eight Pounds Sterling, according to the usually estimated value of Scots money, had, by being judiciously invested in land near Glasgow, and the progress of that City in commerce and manufactures, with the aid of a few bequests by other persons, become adequate to the support of one of the largest and most useful Institutions for benevolent objects in the said City; And that CONSIDERING also, that the present age seemed to be distinguished from former ages in three important particulars—its inquiring spirit, its utilitarian character, and its reforming tendency; Also that, seeing how necessary security of life and property was to the happiness and advancement of mankind, and that the great risk of any violent disturbance thereof, arose from mistaken and short-sighted views of the interests of society and of individuals; whence it became the duty of every man, according to his convictions, and the means which Providence had bestowed on him, to contribute to the moral and intellectual culture of those who had to struggle

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with poverty and prejudice in their early years, But that the best mode of adapting public and private educational institutions to the wants of the operative classes in this country was still a subject of doubt, which would probably be better understood afterwards, and that it might be expedient, therefore, for the present, to defer the adoption of any precise Constitution and Rules whereby such an Institution as he contemplated should be governed, and merely to indicate the leading features by which he wished it to be characterised, and which he meant to be indelibly impressed upon it; and CONSIDERING that by such postponement of the actual commencement of the Institution the funds which he had destined thereto would, by accumulation of the annual interest or proceeds, aided by due circumspection and economy in the management thereof, become more adequate for its attainment, DID therefore, and for the favour he felt for the honest, sober, and industrious operative classes in Glasgow, GIVE, GRANT, ASSIGN, and CONVEY absolutely and irrevocably from him, his heirs, executors and successors whomsoever, to and in favour of ANDREW BANNATYNE, Writer in Glasgow, as then Dean, and THOMAS GRIEVE WRIGHT, JOHN NAISMITH, ALEXANDER BENNET M'GRIGOR, WILLIAM BURNS, and JAMES ROBERTON, all Writers in Glasgow, as then Members of the Council of, and to ROBERT JAMESON, as Clerk of the said Faculty of Procurators in Glasgow, and to their quorum and successors in office, *in perpetuum*, as Trustees for the purposes therein aftermentioned, ALL and WHOLE the sum of Eighteen Thousand Pounds Sterling, contained in and due to him, the said George Baillie, by the following documents, namely—A Bond, dated the seventh day of July, Eighteen

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hundred and fifty-seven years, by the Trustees of the River Clyde and Harbour of Glasgow, in his favour, for Six Thousand Pounds Sterling, with interest and penalty in case of failure in punctual payment as therein expressed; Also a Promissory Note, dated the fourth day of July, Eighteen hundred and sixty-one years, by John Strang, as Chamberlain of the Corporation of the City of Glasgow, for Ten Thousand Pounds Sterling, payable to him, the said George Baillie, or his order, one day after the date thereof; Also, another Promissory Note by the said John Strang, as Chamberlain foresaid, dated the fourth day of December, Eighteen hundred and sixty-two years, for One Thousand Pounds Sterling, payable to him, the said George Baillie, or his order, one day after the date thereof; And, Lastly, another Promissory Note by the said John Strang, as Chamberlain foresaid, dated the fourth day of June, Eighteen hundred and sixty-three years, for One Thousand Pounds Sterling, payable to him, the said George Baillie, or his order, one day after the date thereof; With the said writs and all other writs, titles, and securities of the said several sums, and whole interest due and to become due thereon from and after the term of Martinmas, Eighteen hundred and sixty-three, SURROGATING, and thereby SUBSTITUTING his said assignees in his full right, title, and place of the premises; with power to them to recover, receive, and discharge the said sums, principal and interest, as fully and effectually as he could do himself theretofore; and did BIND and OBLIGE himself and his foresaids to warrant and defend the said assignation, and all that had followed or could competently follow thereon, against all acts and deeds done or that might be done by him or his foresaids contrary thereto; But

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the said Assignment and Conveyance were by the said George Baillie in the said Trust Deed, DECLARED to be granted to and were to be accepted by his said assignees in trust only, and under the conditions, declarations, and provisions, with the powers and privileges, and for the ends, uses, and purposes following, viz.:—*First*, For the purpose of paying the expenses of the Trust constituted by the said Deed out of the annual interest or proceeds of the said funds: *Second*, For the purpose of accumulating the nett income of the said Trust funds with the interest and proceeds thereof, and any addition thereto which he, the said George Baillie, might make by any *de presenti* donations during his lifetime, or by any testamentary writing which he might execute to take effect at his death, with the interest and proceeds of such donations and bequests during the period of twenty-one years complete from and after the said term of Martinmas, Eighteen hundred and sixty-three years, and adding the said interest and proceeds half-yearly as they were received to the principal sums themselves, so that compound interest might be thereby accumulated on the Trust funds: *Third*, For the purpose of applying the whole of the said accumulated Trust funds at the end of the said twenty-one years to the erection and endowment of an Educational Institution in Glasgow, to be called "BAILLIE'S INSTITUTION," which should have for its object—1st, To aid the self-culture of the operative classes from youth to manhood and old age, by furnishing them with warm, well-lighted, and every way comfortable accommodation at all seasons for reading useful and interesting books, in apartments of proper size attached to one or more free Public Libraries provided for them; and 2nd, to afford to the children, male and female, of

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the operative classes, the means of unsectarian moral and intellectual instruction and industrial training, in one or more Schools and School-grounds, either gratuitously or for such small consideration in the form of School fees as his said Trustees might think advisable: *Fourth*, In order to facilitate both or either of the said objects he DIRECTED his Trustees to purchase or build suitable premises in one or more convenient and suitable localities in Glasgow: and to remove from and change the same as might in consequence of any alterations in the circumstances of the inhabitants of such locality or localities, or otherwise appear advisable, and in the event of any opportunity presenting itself, such as might arise by the City of Glasgow adopting "The Public Libraries Act, 1850" (now extended to Scotland), or by any similar Act or Acts, or by the mortification of other private funds to the purposes he had in view, or either of them, so that the efficiency of the machinery provided in the said Deed might be increased, he AUTHORISED and EMPOWERED his Trustees to avail themselves thereof according to the best of their discretion, after the expiry of the said twenty-one years, but only in such form as should preserve the separate identity and name of "Baillie's Institution," intended to be founded by the said Deed: *Fifth*, That the said George Baillie having *simul et semel* with the execution of the said Trust Deed, subscribed a Deed of Directions to his said Trustees for the management of the said Trust, he DECLARED that they should be BOUND and OBLIGED to give effect to and carry out the purposes of the Trust as therein explained, but with the discretionary powers in certain particulars to the extent therein expressed: *Sixth*, For facilitating the execution of the said Trust he thereby

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AUTHORISED and DIRECTED his said Trustees to procure a Crown Charter in the terms therein and hereinafter expressed, DECLARING that in that particular he wished respectfully to manifest his confidence in the intelligence, integrity, and good management of his professional brethren in the said Faculty, and his ardent desire to the utmost of his humble means to enlarge their sphere of usefulness, influence, and dignity among their fellow-citizens, in the belief that they would emulate the excellent example shewn as aforesaid, by their said distinguished professional predecessors George and Thomas Hutchesone, and, by evincing due zeal, foresight, and fidelity in the administration of the Institution, and economy in its management, nobly refute any unjust and foolish aspersions which might occasionally have been thrown by ignorant men on the legal profession as a class, to the special detriment of the public interest: *Seventh*, For the purpose of enabling his said Trustees to manage and dispose of the said Trust funds in the most profitable yet secure manner possible, he by the said Trust Deed AUTHORISED and DIRECTED them to keep the sums lent out, as they then were, to the said River and Harbour Trustees, and to the said Corporation, and to lend the interest thereof as it should arise half-yearly to the said Corporation upon its Promissory Note, as had been his own practice theretofore for many years, or in their discretion to invest the same from time to time in the British or East India Government Stocks, or in the purchase of ground eligible for feuing or building purposes and likely to rise in value (including a site or sites for the said Reading Rooms, Libraries, and Schools if they should see fit), or of house property in or near Glasgow, or of Feu duties or Ground Annuals, or to lend out the same on the

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Debentures of any Trust or Joint Stock Company in the United Kingdom authorised by Parliament to issue the same, or on good heritable security in Scotland at the best procurable interest, care being taken that the heritable subjects, if houses, should be kept insured against fire to a sufficient extent in some long-established and wellknown Insurance Office, and that receipts for the payment of the relative premiums should be exhibited yearly to his said Trustees, also that the sufficiency of the houses for the sums lent thereon should be vouched by a proper valuator periodically as they should fix; and he thereby EMPOWERED his said Trustees to realise the said investments and loans from time to time as they should see fit, and again to invest or lend out the Trust funds as aforesaid, DECLARING that the debtors to his Trust Estate and the parties to whom the funds of the Trust might be lent, or who might purchase any part of the Trust Estate, should have no concern or right to see to the application of the money owing by them: *Eighth*, He by the said Trust Deed further EMPOWERED his said Trustees from time to time to appoint the Clerk of the said Faculty (notwithstanding he was one of the said Trustees), or any other respectable Member of the said Faculty, to be their Chamberlain, and as such to officiate as their Treasurer, Factor, and Clerk under the said Trust during their pleasure, and that such Chamberlain, as well as his successors in office, should receive a moderate and just allowance for their trouble, they being bound before entering on the execution of their offices to find good security for their intromissions to such extent as his Trustees should fix; But he, the said George Baillie, reserved to himself, if inclined, the exclusive right and title to officiate personally or by deputy as Chamberlain

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under the control and direction of his said Trustees, during his lifetime (now necessarily a brief one, as he would enter his eightieth year in a few days), his said Trustees paying him for his services as Chamberlain either personally or by deputy, a salary at the rate of Two Hundred Pounds Sterling per annum quarterly at the terms of Candlemas, Whitsunday, Lammas, and Martinmas so long as he continued to officiate as aforesaid, commencing at the term of Candlemas then next ensuing for the quarter immediately preceding: *Ninth*, For the encouragement of his said Trustees to accept office, he, by the said Trust Deed, DECLARED that they should not be liable for the unremunerative results of any investments they might make, or for the responsibility or sufficiency of the securities on which they might lend the Trust funds, or for the solvency of any Chamberlain they might appoint to manage the affairs of the Trust, except that ordinary diligence be used in the selection of such Securities and Chamberlain, neither should they be liable for omissions or neglect of duty, or *singuli in solidum*, but each for his own actual intromissions only: *Tenth*, He DECLARED it to be his intention that the enactments of the Act 24 and 25 Vict., cap. 84, as to trust Deeds should not apply to the said Trust, and he APPOINTED and ORDAINED his said Trustees to take the Writs, Title Deeds, and Securities of the said Investments, Purchases, and Loans in favour of themselves and their successors, expressly IN TRUST ONLY in terms of and for the purposes expressed in the said Trust Deed, and in the said Deed of Directions, executed of even date therewith, both of which should be therein expressly referred to; But dispensing, nevertheless, with the insertion of such purposes themselves in said Writs,

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Title Deeds, and Securities: *Eleventh*, He, by the said Trust Deed, specially DIRECTED his said Trustees to cause their Chamberlain, within one month at latest, after each term of Whitsunday, to prepare, print, and transmit to each Member of the said Faculty resident in or near Glasgow, a distinct and detailed debtor and creditor Report, shewing as at said term of Whitsunday yearly,—(1st,) The existing condition of the Trust Estate, including detailed information as to the loans, investments, and whole other property of the Trust; (2nd,) The whole interest and income thence derived, and the entire expenditure of the Trust, during the year ending at each term of Whitsunday; and (3rd,) The whole Bank operations of the Trust, with the various drafts and deposits during the year ending as aforesaid, and the annual interest arising thereon, so that the Members of Faculty might be enabled easily and accurately to perceive the real state of the whole Trust funds and operations, and the source and extent of the accumulations and clear additions made thereto each year, for the purposes of the Institution before mentioned: *Lastly*, He, by the said Trust Deed, REQUESTED and AUTHORISED the said Faculty at each of their Annual Meetings in May, to appoint from among themselves an Audit Committee for the purpose of ascertaining and attesting the accuracy or inaccuracy, as the case might be, of the said Annual Reports after duly comparing the same with the relative vouchers, but that prior thereto the Report and Vouchers should lie during one week in the Faculty Library for examination by the Members of Faculty, who should each receive one week's previous notice per post of the fact of its said deposition, with the relative vouchers, for examination by them if inclined; and he, by the said

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Trust Deed, specially DIRECTED the said Audit Committee, if the said Faculty should be pleased to agree to his request, to place a docquet on the said Report as soon as might be after the term of Whitsunday, in order that the same might be forthwith printed and transmitted as aforesaid to each Member along with the Report, and in case of any inaccuracy he, by the said Deed, specially EMPOWERED and DIRECTED the said Faculty, if they should see cause, at any Meeting of their body, to give instruction to his said Trustees, whereby the said inaccuracy might be corrected, and similar inaccuracies avoided in future: And that by the said Deed of Directions the said George Baillie, on the narrative that whereas he had by the said Trust Deed GIVEN, GRANTED, ASSIGNED, and CONVEYED *de presenti* from him, his heirs, executors, and successors whomsoever, to and in favour of the said Andrew Bannatyne as then Dean, and the said Thomas Grieve Wright, John Naismith, Alexander Bennet M'Grigor, William Burns, and James Roberton, as then Members of Council, and the said Robert Jameson as Clerk of the Faculty of Procurators in Glasgow, and to their quorum and successors in office *in perpetuum*, as Trustees for the purposes therein mentioned, ALL and WHOLE the said sum of Eighteen Thousand Pounds Sterling, contained in certain documents therein and hereinbefore enumerated, but in trust only under the conditions, declarations, and provisions, with the powers and privileges, and for the ends, uses, and purposes specified in the said Trust Deed, and also mentioned in the said Deed of Directions; And, that considering that by the said Trust Deed, it was stated that *simul et semel* with the execution thereof, the said George Baillie had executed a separate Deed wherein directions were

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given to his said Trustees for the management of the said Trust, as the said Trust Deed to which reference was made in the said Deed of Directions more fully bore; THEREFORE he did thereby give directions as follow—*First*, He EMPOWERED and DIRECTED his said Trustees when and as soon as they should accept of the said Trust to forthwith cause the said Trust Deed itself, and the said Deed of Directions, to be recorded in the Books of Council and Session for preservation and publication, and Extracts thereof to be sent to him: *Second*, He EMPOWERED and DIRECTED his said Trustees to pay the sum of One Hundred Guineas to any Member of the Faculty of Procurators in Glasgow, or other competent person, who should, within two years from a time to be forthwith fixed by his said Trustees, write, print, and publish, in a handsome style, an accurate, comprehensive, and well-expressed History of the said Faculty, from its germ under the Bishops and Archbishops of the See of Glasgow, while Lords of the Regality of Glasgow, with considerable judicial powers in criminal matters, and Judges superior *in spiritualibus* and consistorial affairs over the extensive Archbishoprick of Glasgow, until the present time, to the entire satisfaction of his said Trustees; And for that purpose he hoped the Faculty would forthwith not only invite competition, and make known the terms of that part of his instructions, but give Competitors free access to their Archives, and afford any other aid in their power; also that for the better encouragement of the said Work, its Author should retain the copyright thereof, notwithstanding the said donation: *Third*, He specially DIRECTED his said Trustees as soon as might be after their acceptance of the said Trust, to cause the said Trust Deed and the said Deed of Directions to be

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printed, and a copy thereof to be sent to each Member of the said Faculty; Also that as often as any new Member was admitted to the Faculty, he DIRECTED his said Trustees to furnish such new Member with a printed copy thereof—so that the whole Members of that body might at all times be acquainted with the nature and purposes of the said Trust, and in particular be prepared to give their opinion on the constitution of the said Institution and appropriation of the Funds when these questions should be submitted to them by his said Trustees in manner thereinafter mentioned: *Fourth*, That upon an arithmetical calculation it appeared that if during a period of twenty-one years, there could be realised a clear average yearly income of four and a half *per centum* upon said principal sum of Eighteen Thousand Pounds Sterling, it at compound interest half-yearly ought to amount to about Forty-six Thousand Pounds Sterling at the expiry of the said period, besides any additions thereto which he might make by donations during his lifetime, or by any testamentary writing to take effect at his death with interest thereon; but that be the pecuniary result of said accumulations more or less, he, by the said Deed of Directions, specially DIRECTED his said Trustees on the day of the expiration of said twenty-one years to close and terminate the said accumulations, and within two months thereafter to cause their Chamberlain to prepare, print, and transmit to each Member of the said Faculty resident in or near Glasgow a distinct and detailed vidimus of the affairs of the said Trust, docqueted by his said Trustees after due examination thereof, so that the Members of the said Faculty might be informed accurately as to the whole funds and property, heritable and movable, which had been accumulated, and were then

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available for the erection and endowment of the Institution mentioned in the said Trust Deed: *Fifth*, He specially DIRECTED his said Trustees with all convenient speed, and at all events within six months after the expiration of said period of twenty-one years, to prepare the Draft Constitution of such an Institution, with Rules and Regulations suited thereto as were in their opinion best adapted to carry out the purposes of the said Trust, in harmony with the general principles which were laid down in the said Trust Deed, and in conformity with the special directions aforesaid; and for the purpose of enabling them intelligently and successfully to prepare that Draft, he RECOMMENDED his said Trustees to inform themselves beforehand as to the probable expense of the erection or purchase of buildings, and the purchase of furniture and books, and of the probable annual expenditure of the said Trust, including the maintenance and insurance yearly of such buildings, furniture, and books, and the extension of the libraries, one or more, by the purchase of new books, and the salaries of all officials, and thereupon to resolve what proportion of the said Trust funds it would be expedient to appropriate to the several objects mentioned in the said Deed of Directions, or other objects that might appear to them necessary or proper for carrying out his intentions, care being taken to retain always a RESERVED FUND sufficient to meet any extraordinary expenditure which might occasionally occur: *Sixth*, He specially DIRECTED his said Trustees so soon as the said Draft Constitution with its Rules and Regulations had been prepared, to cause the same to be printed, and a copy transmitted to each Member of the said Faculty; Moreover, by the said Deed of Directions he REQUESTED that the Dean for the time being

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of the said Faculty would convene a Special Meeting of the body for the purpose of considering the said Drafts, and approving or disapproving thereof, as well as of the proposed appropriation of the said Trust funds as aforesaid; and he SPECIALLY DIRECTED that if the Faculty at said meeting, or at any adjournment thereof, expressed an opinion in favour of an alteration on the Drafts or other matters submitted to them, the said Trustees should give effect to such opinion, and conform themselves thereto; but that if the Faculty approved of said Drafts and appropriation of funds, or failed to pronounce any opinion thereon within two months after the said Drafts had been so transmitted, his said Trustees should be at liberty to adopt said Drafts and appropriation of Trust funds, and the same should thereupon be binding on all parties concerned in the administration of said Trust, unless altered as mentioned in the said Deed of Directions: *Seventh*, In case at any after time or times it should appear to his said Trustees expedient to introduce alterations on the said Constitution, Rules, and Regulations, or on the Appropriation of the said funds, they should be entitled to do so by following out the same course of procedure as was provided in regard to the original Constitution and Appropriation in Articles Fifth and Sixth of the said Deed of Direction, *mutatis mutandis*, PROVIDED these alterations were fitted to carry out the purposes of the Trust, in harmony with the general principles which he had laid down in the said Trust Deed, and in conformity with the special directions in the said Deed of Directions: *Eighth*, If unfortunately and unexpectedly it should be found at the expiration of the said period of twenty-one years that there was not a sufficiency of Trust funds for establishing and

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supporting the two branches of the Scheme stated in his said Trust Deed, namely, both the Libraries, one or more, and the Schools, he, by the said Deed of Directions, specially DIRECTED his said Trustees, and REQUESTED the said Faculty to abstain, at least for the time, from the execution of that branch of the Scheme which related to the Schools, or to restrict it within such limits as should leave a clear sufficiency of funds for the Libraries and Reading Rooms, one or more, as appointed by the said Deed of Directions; MOREOVER, in case the Trust funds should prove adequate only to carrying out the Schools in a restricted way, he RECOMMENDED his said Trustees to endeavour to avail themselves of any other source of pecuniary aid which might be open to them to supplement his funds, such as the grants at present made by the Committee of the Lords of the Privy Council on Education; And he DECLARED by the said Deed of Directions that the several directions which he thereby gave under the eighth and foregoing heads thereof, and also by the clauses in his said Trust Deed, as to preparing, printing, and transmitting to each Member of Faculty at Whitsunday yearly, a detailed debtor and creditor Report of the Trust funds and the appointment of an Audit Committee to examine and docquet the same, were intended by him to be fundamental and unalterable provisions and conditions of the Trust Deed before mentioned, and as such were to be given effect to by his said Trustees without any power of alteration, except in so far as provided by the said Deed of Directions; But that as there were other provisions and conditions which, although appearing to him of equal importance in the view of carrying out his intentions, were not of a nature which it would have been advisable to have declared equally bind-

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ing on his said Trustees, or incapable of alteration, seeing that the rapid changes in the habits and manners of the people, and the progress of wealth, knowledge, and public opinion might render them inexpedient; he therefore confined himself to specifying these, and calling the attention of his said Trustees and of the said Faculty to them in the confident hope, that when the Constitution of the Institution and its Rules and Regulations came to be settled, or to be afterwards altered, they might see their way to give effect to them, and at all events to do nothing contrary to the spirit which pervaded them and which he considered essential to the realisation of his intentions: *In the first place*, as his extensive travels, and long observation in many foreign countries had shewn him the great success of the unsectarian education afforded in some of them, especially in various Protestant countries abroad, also in some of our Colonies and in Ireland by means of the Queen's Colleges, he DECLARED his main object to be, by means of self-culture and of unsectarian, moral, and intellectual instruction, to inculcate and enforce the utmost attainable extent of rectitude, intelligence, industry, self-reliance, and self-control among the poor adult industrial population of Glasgow and their children, and to promote a proper respect for Law and Order, whereby Crime and Fraud might be restrained in that great commercial community, and he wished for that purpose that the Libraries and Reading Rooms, as well as the Schools, should be conducted on impartial principles, and never allowed to become subservient to the promotion of the peculiar views or interests of any religious denomination, or of any particular party in Church or State, and he therefore deemed it advisable not only that per-

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sons of every creed should be admitted to the benefits of the Libraries, Reading Rooms, and Schools, but that neither by the selection of books for the Libraries, nor by the instructions given in the Schools, should any attempt be made to bias the opinions of the readers or scholars in regard to doctrinal religion or Church Establishments, as to both of which great diversity of opinion then prevailed, and would probably always more or less prevail in the community, according to its educational condition: He suggested, therefore (1.), That the Libraries should consist chiefly of such works in Art, Science, Literature, History, Natural History, Biography, Political Economy, Geography, Voyages and Travels as were calculated to interest and improve the intellectual and moral character of the readers, and promote their advancement in practical and useful knowledge, and that without dictating on matters of detail he might point out that there were many Encyclopædias and Dictionaries, Periodicals, and Short Treatises now published which were peculiarly attractive as well as full of instruction and expressly adapted to the class of society which he wished to benefit; and that although he had not in the said enumeration specially mentioned Medicine or Law, he was of opinion that, to an inquiring mind, it was of value to furnish some elementary instruction not only as to the frame and functions of the body in health and disease, but as to the legal rights of parties in the ordinary social relations of life; (2.) That the perusal of books should be accompanied by reference to maps, and where possible to models and even anatomical specimens, which might to some extent be beneficially exhibited in the said Institution; and he RESERVED power to himself at any time or times to lodge with the Dean of

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the said Faculty, or the Chamberlain of the Trust, a list of books, &c., which he specially DESIRED and REQUIRED to form part of the said Libraries; (3.) That the Libraries should not, in the first instance at least, be lending ones, but the books should be read only in Public Reading Rooms to be attached thereto, having suitable side rooms, with separate entrances set apart for female readers, at such hours and under such regulations as might from time to time be fixed in terms of the Constitution; (4.) As it was his wish that the Libraries should contain books of a moral and religious character, some of them shewing, *inter alia*, in a searching and impartial way, the objections to as well as the proofs of Christianity, and others setting forth the grounds derived both from Scripture and Philosophy for leading a virtuous and religious life; He recommended that on Sunday, as the only day when the hard-working man can study such subjects, the Libraries and Reading Rooms should, for that purpose only, be kept open from eight o'clock in the morning until ten o'clock at night, except during the ordinary hours of Church service, and, as to the rest of the week, that they should be kept open daily from ten o'clock in the forenoon until ten o'clock at night, during the months of November, December, January, and February, and from eight o'clock in the morning until ten o'clock at night, during the rest of the year; (5.) His earnest desire with regard to the Schools being that they should be of an entirely unsectarian character, he desired, if promotive of that object, that the instruction should be exclusively secular, by which, however, he did not mean that the instruction should be solely intellectual, but that on the contrary it ought to embrace also the duties of man towards God and

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his fellow-creatures, and in particular the cultivation of his feelings and affections, and the establishment of virtuous and industrious habits: *In the second place,* For the good management of the Libraries he suggested — (1.) That Librarians should be from time to time appointed by his said Trustees, but removeable at pleasure, and that such salaries should be paid to them as his said Trustees might fix, they finding security for the faithful execution of their duties to the satisfaction of his said Trustees; (2.) That rules should be made to enforce care, cleanliness, and silence in the use of the books by the readers; (3.) That the books should be plainly bound, and from time to time when injured by use or accident be repaired, or replaced with new copies, and that not only the buildings but the collection and furniture both of the Libraries and Schools should be insured against fire in some old established office; (4.) That Catalogues of the books in the Libraries should be from time to time prepared by the Superintendent-Librarian, and printed and sold at prime cost to the public, and that copies thereof should be sent gratuitously to each Member of Faculty resident in or near Glasgow, to which Catalogues should be annexed the Rules of the Libraries and Reading Rooms: *In the third place,* The Superintendent-Librarian should each year, at or as soon as practicable after the term of Whitsunday, lay before the said Trustees a distinct and detailed Report, shewing in classified form the entire number of books, pamphlets, periodicals, maps, models, and specimens (if any) within the building, distinguishing those additions made within the year then ending, as well as those which had been lost, injured, or made useless; also the number of readers who had availed themselves of the privilege

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of reading each day or month, classified if possible according to their ages and occupations, and the number of volumes handed to them for perusal; The Superintendent-Librarian should also accompany said Report with a financial account of the expenditure, and the whole should be summed up with a table of results as contrasted with one or more of the years last preceding: *In the fourth place,* With reference to the Schools he was desirous that sobriety, assiduity, and zeal on the part of the Teachers, and emulation, docility, and attention on the part of the Scholars, should be promoted and enforced by all well considered means, care being taken as much as possible in the selection of Teachers to choose those who happily possessed the necessary aptitude for teaching, as well as that equanimity of temper which seldom fails to ensure respect and obedience, and he reserved to his said Trustees power to dismiss any Teacher whenever dissatisfied with his conduct or capacity, and that as a salutary stimulant both to the teachers and taught, there should be yearly examinations and a judicious distribution of useful prize-books: *In the fifth place,* He recommended time and space to be appropriated for the practice of gymnastic exercises under properly qualified Teachers, and for such innocent play as is suitable to the ages of boys and girls attending the Schools; and if it be practicable he desired that his said Trustees might add to the Schools a department for the Industrial Training of both boys and girls in such occupations as might be of use to them in after life, as for instance the instruction of boys in the proper handling of tools of various handicrafts, and the instruction of girls in plain cooking, sewing, knitting, washing, dressing, and other parts of domestic economy; But his anxious desire was while thus

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endeavouring to cultivate the mind, and improve the strength and health of the body, and encourage the industrious habits of the children, that great care should be taken not to relieve their parents and relations of their moral and legal duties and not to loosen the domestic tie: *In the sixth place*, That the Head Master or Rector of the Schools should each year at or as soon as practicable after the term of Whitsunday, lay before the said Trustees a distinct and detailed Report of the proceedings of the year then ending, shewing, *inter alia*, the numbers and ages of the Scholars of each sex, their average attendance, their course of study, and their general behaviour and progress, also the expenditure for salaries, wages, school books, prizes, stationery, fuel, gas, water or otherwise, to be summed up in a table of the results as contrasted with one or more of the years last preceding: *In the seventh place*, That printed copies of that Report, and of the Report of the Superintendent-Librarian mentioned in the third head of the provisions of the said Deed of Directions, should be sent forthwith after each term of Whitsunday to each Member of the said Faculty resident in or near Glasgow: AND THAT the said Andrew Bannatyne as then Dean, and the said Thomas Grieve Wright, John Naismith, Alexander Bennet M'Grigor, William Burns and James Roberton, as then Members of Council of the said Faculty of Procurators in Glasgow, and the said Robert Jameson as Clerk of that Faculty, as authorised by a *pro re nata* meeting of the Members of said Faculty, held upon the tenth day of December, One thousand eight hundred and sixty-three, did by Minute of Acceptance dated the eleventh and twelfth days of the said month of December, ACCEPT of the said Trust and office

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of Trustees conferred on them by the said Trust Deed, under the Conditions and Provisions and in the terms therein and in the said Deed of Directions expressed: And that by the said Trust Deed they, for facilitating the execution of the said Trust, were AUTHORISED and DIRECTED without any undue delay to take the best and fittest means to procure a Crown Charter confirmatory of the said Trust, and constituting them perpetual Preceptor, Patrons, and Directors of the Institution contemplated as aforesaid, and which should be called and styled "Baillie's Institution," with corporate powers to sue and be sued in that capacity, and also as Trustees under the said Trust Deed to hold heritable property for behoof of the Trust, and to sell and dispose of the same—to grant Deeds connected with the Trust under seal, and authorising them in general to do all acts, deeds, matters, and things whatsoever necessary and requisite for carrying into effect the objects of the Trust; And that our said Petitioners James Mitchell, as present Dean of the said Faculty of Procurators in Glasgow, and James Morrison, James Galbraith, James Graham, George Smith, and James Burns Kidston, as present Members of the Council of the said Faculty, and the said Robert Jameson as present Clerk of that Faculty, are desirous of being incorporated as aforesaid, with the above expressed and all usual and necessary powers and privileges; And our Petitioners, therefore, most humbly prayed that it might please us to grant them a Royal Charter, incorporating them and their successors in office, acting under the said Trust Deed and Deed of Directions: AND WHEREAS such Petition has been referred to the Lord Advocate for Scotland to consider thereof and report his opinion what may properly be done

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therein, and WE, having taken the said Petition under report into our Royal consideration, and being satisfied that the intentions of the Petitioners are laudable, and that the objects of the said Trust are deserving of encouragement: THEREFORE WE, in furtherance of the said humble Petition, and by virtue of our Royal prerogative and special favour, certain knowledge and proper motive, have GRANTED, ORDAINED, CONSTITUTED, DECLARED, APPOINTED, and ESTABLISHED, as we by these presents do GRANT, ORDAIN, CONSTITUTE, DECLARE, APPOINT, and ESTABLISH that the Trustees appointed as aforesaid for executing the Trust and purposes of the said Trust Deed and Deed of Directions of the said George Baillie, both dated the said tenth day of December, Eighteen hundred and sixty-three, and recorded in the Books of Council and Session in Edinburgh, the said fifteenth day of the month and year last mentioned, that is to say, the said James Mitchell as and while he shall continue Dean of the Faculty of Procurators in Glasgow, and the said James Morrison, James Galbraith, James Graham, George Smith, and James Burns Kidston, as and while they shall respectively continue Members of Council of the said Faculty, and the said Robert Jameson as and while he shall continue Clerk of the said Faculty, and their successors in office, as Dean, Members of Council, and Clerk of the said Faculty, while they shall respectively hold such offices, shall be one Corporation and body politic and corporate, and shall be called by the name and title of "The PRECEPTOR, PATRONS, and DIRECTORS of Baillie's Institution" (hereinafter called "the CORPORATION"), and shall in all time coming by the said name, have perpetual succession, and have and use a Common Seal, and

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shall as Trustees aforesaid hold, possess, and administer the said Trust funds, and do all acts, deeds, matters, and things whatsoever necessary and requisite for carrying into effect the objects of the said Trust: And that the Corporation shall in such and the same manner as any of our subjects, be able and capable for behoof of the said Trust, to purchase, hold and sell, or otherwise dispose of lands and other property, real or personal, heritable or moveable; also to lend money, and to receive and hold donations and bequests, all in the manner authorised by and directed in the said Trust Deed and Deed of Directions, DECLARING that all Charters, Dispositions, Bonds, and Dispositions in Security, or other Deeds affecting real or heritable property, and all personal Bonds, Contracts, or other Deeds or instruments to be granted to and in favour of the Corporation, shall be made and executed under the said corporate name and title of "The Preceptor, Patrons, and Directors of Baillie's Institution," without specifying the names of the Preceptor, or Patrons, and Directors thereof (who are hereinafter called "the Members"), or any of them, or of any of the Office-bearers of the Corporation, BUT IN TRUST ONLY, in terms of and for the purposes expressed in the said Deed of Trust and Deed of Directions, both of which Deeds shall be therein expressly referred to, DISPENSING, nevertheless, with the insertion of such purposes themselves in the said Writs, Title Deeds, and Securities: And that all Charters, Dispositions, Bonds, Contracts, or other deeds or instruments to be granted by the Corporation shall be subscribed on its behalf by any four of the Members of the Corporation, and sealed with the Common Seal thereof: And that all Deeds or instruments so subscribed and sealed shall be equally valid as

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if the same had been subscribed by the whole Members of the Corporation: And that the Corporation shall, in such and the same manner as any of our subjects, or any other body politic and corporate, be able and capable to sue and implead, pursue and defend, be sued and impleaded, pursued and defended, answer and be answered in all Courts and places, and before all legally constituted judges and other tribunals, in all actions, suits or other proceedings whatsoever which may hereafter be instituted, commenced, prosecuted or carried on, either in respect of any debts, claims, or causes of action which may have already accrued or arisen to or against the said Trustees, or in respect of any debts, claims, or causes of action which shall hereafter accrue or arise to or against the said Corporation: And that all debts due to or from the said Trustees previously to the making of this our Grant shall be payable to or by, and shall be recoverable by or from the said Corporation constituted by this our Grant, and that all Contracts and Agreements made or entered into, by and with, and all obligations incurred by or to, and all causes and rights of action or suit enforceable by or against the said Trustees previously to the making of this our Grant, shall be good, valid, and effectual, by, to, with, or against the said Corporation; and we DIRECT and ORDAIN that service on, or notice given to the Preceptor, or to the Chamberlain for the time being of the said Corporation, shall be sufficient service on or notice to the said Corporation; And we WILL and DECLARE that the Corporation shall always consist of Trustees for the time being entitled to act in execution and pursuance of the said Trust Deed and Deed of Directions, that is to say, the whole Members of the Council, and the Clerk of

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the said Faculty of Procurators in Glasgow, each of whom while and so long as he shall hold such office shall, *ex officio*, and without any election or other proceeding be a Member of the said Corporation, and the Member who for the time being shall be Dean of the said Faculty shall be Preceptor of the said Corporation.

And we DIRECT and ORDAIN that subject to the provision hereinafter contained with respect to the right of the said George Baillie to officiate during his lifetime personally or by deputy as Chamberlain of the said Corporation, the Corporation shall have power from time to time to appoint the Clerk of the said Faculty (notwithstanding he shall be one of the Members of the Corporation), or any other respectable Member of the said Faculty, to be the Chamberlain to the Corporation, and as such to officiate as their Treasurer, Factor, and Clerk for the purposes of the Trust during their pleasure, and he, as well as his successors in office, shall receive a moderate and just allowance for their trouble, they being bound, before entering on the execution of their offices, to find good security for their intromissions to such extent as the Corporation shall fix: And DECLARING that the Chamberlain shall have charge of the Seal of the Corporation, as well as of all its records, books, and documents, and that these shall be kept in such place as the Corporation shall from time to time fix; and he shall keep a regular cash-book and other books necessary for shewing the state of the affairs of the Corporation, and shall balance the said books as on the fifteenth day of May in each year, and shall, within one month at latest after each term of Whitsunday, prepare, print, and transmit to each Member of the said Faculty resident in or near Glasgow, a

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distinct and detailed Debtor and Creditor Report, shewing as at the said term of Whitsunday yearly the existing condition of the Trust Estate as prescribed in the eleventh head of the said Trust Deed; But DECLARING, that if inclined, the exclusive right and title to officiate (personally or by deputy) as Chamberlain, under the control and direction of the Corporation, shall, during his lifetime, belong to the said George Baillie—the Corporation paying him, in the event of his so officiating, for his services as Chamberlain, either personally or by deputy, a salary at the rate of Two Hundred Pounds Sterling per annum, and that quarterly, at the terms of Candlemas, Whitsunday, Lammas, and Martinmas, so long as he shall continue to officiate as aforesaid, but DECLARING that in all his actings and intromissions the Chamberlain shall be subject to the control and to the instructions of the Corporation: And we AUTHORISE and EMPOWER the Corporation, if they see fit, from time to time, to appoint such other officers as they may see fit, and to fix their salaries and prescribe their duties: And we DIRECT, ORDAIN, and APPOINT that there shall be at least one Annual Meeting of the Corporation held in the month of May in each year, or at such other time as shall from time to time be fixed by a byelaw to be made by the said Corporation; and that there shall be as many other meetings, to be called "Stated Meetings," of the said Corporation in each year, as the Corporation shall, by a byelaw, from time to time fix; and that besides the Annual and Stated Meetings of the said Corporation, an Extraordinary Meeting for the purpose of deliberating and deciding on any matter specified in the notice of such meeting, may at any time be called by the Preceptor, or in his absence

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by any two of the Members other than the Preceptor, *ex proprio motu*, or such Extraordinary Meetings shall be called by the Chamberlain, upon a requisition being presented to him by any two of the Members of the Faculty; and it is by these presents DECLARED that the quorum of every Annual, Stated, and Extraordinary Meeting of the Corporation, shall be four Members, but the said Corporation shall have power by a byelaw to increase the quorum and again to diminish the same, but so as never to be less than four, and the Chamberlain, unless otherwise fixed by a byelaw of the said Corporation, shall address and send to each of the Members of Faculty a written or printed notice not less than two free days before the day on which any Stated or Extraordinary Meeting is appointed to be held, and shall, as far as possible therewith, give intimation of the business intended to be brought before such meeting; and DECLARING that the Preceptor shall have the right of presiding at all meetings of the Corporation; but in his absence a Chairman, to be chosen by the meeting, shall preside, and the Preceptor or other Chairman so presiding shall have a deliberative as well as a casting vote in case of equality of voices: And further PROVIDING and DECLARING, as it is by these presents PROVIDED and DECLARED, that all questions arising at any meeting of the Corporation shall be decided and determined by a majority of the votes of the Members then and there present, taken in such a way as shall from time to time be fixed by a byelaw of the Corporation, but no question shall be held to have been decided and determined except by a majority of the whole number of the Members of the Corporation at the time; and the Members present at any meeting may adjourn such meeting

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to a future time, and may appoint Committees of their number, with such quorum and for such purposes as they may think fit: And we GIVE and GRANT to the Corporation power and authority, at any Extraordinary Meeting called for the purpose, to ENACT such byelaws as shall appear proper and necessary for the government and direction of the said Corporation, or for any of the other purposes hereinbefore mentioned, and to ALTER and ABROGATE such byelaws or any of them, and ENACT new ones in their stead, provided that none of these byelaws are inconsistent with the terms and conditions or the purposes and intentions of the said Deed of Trust and Deed of Directions executed as aforesaid by the said George Baillie, or repugnant to the laws of the United Kingdom or to the tenor of this Charter; and PROVIDED also, that such byelaws, from time to time so enacted, and every abrogation and alteration of them, shall have been confirmed at the next subsequent Annual Meeting of the Corporation held after the enactment thereof, until which time such byelaws and such abrogation shall not be acted on; And we DIRECT that the Members shall with all convenient speed and at all events within six months from and after the term of Martinmas, Eighteen hundred and eighty-four, prepare a Draft Constitution with Rules and Regulations suited thereto, which are best adapted to carry out the purposes of the said Trust in harmony with the general principles which have been laid down in the said Trust Deed and Deed of Directions and in conformity with the special directions therein contained; which Constitution, when prepared and approved in the manner directed by the said Trust Deed and Deed of Directions, shall be the Constitution of the Institution to be established by the

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Corporation in conformity with the said Deeds and with this our Grant; and shall otherwise faithfully carry out and execute all the Trusts and Directions contained in the said Trust Deed and Deed of Directions, but subject to such alterations as are provided for by said Deeds; And WE for ourselves, our heirs, and successors, DECLARE that these our Letters Patent shall be valid and effectual in law, to all intents and purposes, according to their true meaning and intent, and that they shall be received, interpreted and construed in the sense most favourable and beneficial for the said Corporation, wrong reading, defect, uncertainty or imperfection in these our Letters Patent notwithstanding.

And we do further WILL and COMMAND that this Charter do pass the Seal appointed by the Treaty of Union to be kept and used in Scotland in place of the Great Seal thereof *per saltum*, without passing any other seal or register, for which these presents shall be, as well to the Director of our Chancery for writing the same as to the Keeper of the said Seal for causing the said Seal to be appended thereto, a sufficient warrant.

GIVEN *at* OUR COURT, *at* SAINT JAMES'S, *the Eighteenth day of March, Eighteen hundred and sixty-seven, in the Thirtieth Year of our reign.*

BY HER MAJESTY'S COMMAND.

(Signed) S. H. WALPOLE.

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MEMOIR

OF

MR. GEORGE BAILLIE,

THE FOUNDER OF

BAILLIE'S INSTITUTION,

BY A

MEMBER OF THE FACULTY OF PROCURATORS.

Da tua dum tua sunt; post mortem tunc tua non sunt.
3 Buls. 18.

GLASGOW:
JAMES MACLEHOSE, PUBLISHER TO THE UNIVERSITY, AND BOOKSELLER TO THE FACULTY OF PROCURATORS.
1873.

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GLASGOW:
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LETTERPRESS STEAM PRINTERS, 153 WEST NILE STREET.

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MEMOIR

OF

GEORGE BAILLIE.

MR. BAILLIE was the son of William Baillie, a manufacturer, first in Paisley, and afterwards in Glasgow. George was born in the former of these towns, on 23rd December 1784, and baptised 1st January 1785. His father removed to Glasgow, when George was only a few months old. In Jones's Directory for 1789, the father's firm of "William Baillie & Co., cotton manufacturers," appears,—"warehouse, head of Candleriggs, Crawford's Land." Again, in M'Feat's Directory of 1801, his name occurs as at "corner of Campbell Street." His warehouse was afterwards for many years on the south side of the Gallowgate, in a tenement which was removed at the opening up of London Street.

Mr. Baillie, sen., was an extensive employer of hand-loom weavers, and had many country agencies. He was a very intelligent, but eccentric person. The chief subjects of his criticism were the follies of youth, and modern fashion, which he was in frequent use to

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illustrate by references to his son George. But so soon as any one joined in this reference, (which was often done by way of sport), he indignantly resented any such interference, and his censure straightway assumed the form of panegyric. The father and son had much of character in common, and dearly loved each other. The father died on 7th June 1829, aged 73, much respected. There is a miniature of him when at the age of 35, taken in 1792, by Sanders, of London.

By the mother, whose maiden name was Margaret Strang, the subject of our memoir was connected with two old and highly respectable families in Glasgow, the Thomsons and Monteiths. The once well-known Neale Thomson, of Camphill, near Langside, and George Baillie were cousins. He had an elder brother, named William, who was born on 5th May, 1783. He was an officer in the Navy, and much respected by all who knew him. This only brother was accidentally drowned at sea, off the Banks of Newfoundland, on 27th November, 1812, aged 29. A small picture of him, at the age of twelve, taken by an artist in Edinburgh, was carefully preserved by Mr. Baillie, and was in his possession at the time of his death.

Mr. Baillie also had an only sister, who was in her day celebrated for her beauty. She died unmarried.

The subject of this memoir received a grammar-school and college education in Glasgow, and was a thoroughly good scholar, though he never indulged much in classical learning, and rather undervalued it. He himself wished to follow a mercantile life, but his father preferred that he should become a lawyer, and George was too fond of his father not at once to assent to the parental wish.

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On 27th November 1802, Mr. Baillie was bound an apprentice for five years to Mr William Marshall, who entered the Faculty in 1792. At the date of the indenture, George was in his eighteenth year, and his father was a consenter, as his legal guardian, and also cautioner for the minor apprentice. Mr. Marshall having died on 14th May 1806, the indenture was transferred to Mr. William Aitchison, who joined the Faculty in 1795, and with him the remainder of the apprenticeship was completed, in 1807. Of these two masters, George used to say that the first was "fikey," crusty, and did almost everything himself, so that the apprentice made little progress. The second was too easy, and seldom in his office, so that not much was learnt there either. The offices of both these gentlemen were in Trongait, near the Cross, where the Courts were held. Next, Mr. Baillie became a clerk to Mr. Hugh Mann, formerly of the firm of Mann & Duncan, and he found Mr. Mann an excellent master. Of him Mr. Baillie always spoke with much respect and grateful feeling, for the pains he took in instructing him in his profession. Mr. Baillie, punning on this master's name, used to say that he had been taught by him, "Hu-man-ity." Mr. Mann's office was in Hutcheson Street, to which he had recently removed from Candleriggs, after separating from his junior partner, William Duncan. The Dean of Faculty at that time was Mr. Claud Marshall, who entered so far back as 1758, and died 16th January, 1812, aged 75. The Dean's office was in Stirling Street.

Finally, Mr. Baillie was for several years clerk in the office of a Writer to the Signet in Edinburgh. His reminiscences of the members of the older bench

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and bar were of the most racy character, and it is matter of regret that he preserved no record of them.

On 30th May, 1811, he became a member of the Faculty of Procurators in Glasgow. He was then in his 27th year. The Faculty at that time consisted of only 99 members, being less than one-half the number of members at the period of his death, whereof he was the oldest.*

Mr. Baillie used to tell with great glee the scene that took place at his examination. In those days there was first a private, and afterwards a public, examination, the latter in presence of the Commissary-Depute, in open Court. The late Mr. Alexander Morrison, afterwards Dean of Faculty, and Mr. Baillie, passed their private examinations on the same day. It was the custom to call by appointment at the office of the private examinator, and there to undergo the test. The principal examinator on that occasion was a crusty old scribe of 1796. His office was in the Gallowgait, near the Cross. He was tall and lean, with very red cheeks, which reflected their colour in a somewhat purplish hue on the nasal organ, the orifices in which were considerably dilated in animated conversation, and leaky, especially in frost. Moreover, he laboured under an auricular infirmity, which rendered it necessary to repeat answers in louder tones, for his more perfect edification. He wore a wig, too small for his pate, so that it often went awry under excitement, and was curiously fabricated of hair, worsted, and tow. The voice of this Scottish Gamaliel rivalled in melody that of a drake, with a certain raspiness, which procured for him the sobriquet of "Rusty." Mr. Morrison underwent the examination first; the examinator's

* See Appendix No. VI.

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private room door being bolted inside, to keep out clavering intruders. Mr. Baillie remained in the outer office, seated on a three-legged stool. The only other human being present, was a somewhat aged clerk, whose face was not too familiar with soap; one limb was a trifle shorter than the other, but locomotion was helped by an iron pin; and he took snuff in vigorous and squeaky inhalations. Mr. Baillie was kept waiting with this agreeable person more than an hour, till he began to have doubts that something had gone wrong inside the snibbed door. But all of a sudden the "slot" was withdrawn, and the examinee walked out. When Mr. Baillie asked, under breath, the cause of delay, the answer was a significant look towards the room, and a cautious titter. When Mr. Baillie entered, he found the learned examinator standing in the middle of the floor, with the wig, of which respectful mention hath been made, in his hand, and in the act of refreshing his pate by the friction of a red bandana, with white dots, then rather a fashionable article of pocket wear. Erskine's Institute of the Law of Scotland was lying on the desk, spread open like a Family Bible; a jug of water, with a broken lip, perhaps in case of syncope, was on the mantel-piece; a ricketty chair creaked, and that was all. The weather being coldish, "Rusty" wore a Spencer. The door was snibbed as before, and Mr. Baillie was, as he said, "raked fore and aft upon Erskine," more than an hour; and as the veteran was deafish, the answers had, not unfrequently, to be loudly repeated. The very clerk outside became impatient, for it was now past four o'clock; the man was evidently requiring nourishment, and testified his disquiet by a constant dumping with the iron auxiliary,

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as he perambulated the "outer-house." But most things have an end, though some have more, and at length the liberation of Mr. Baillie took place satisfactorily.

Whether Mr. Baillie's temporary acquaintance, the famishing Knight of the Iron Pin, on reaching his habitation, probably in an elevated region of the pungent "Fiddler's Close," or in the equally fragrant "Goose Dubs," allayed the pangs of hunger by cannibalism, in devouring two "Glasgow Magistrates," and moistening their mangled remains, as well as refreshing his own tabernacle by furious gulps of "twopenny," cannot now be satisfactorily determined, and is really not of much importance, though the balance of probabilities would seem to lean pretty much in favour of the liquid portion of the dubiety.

The public examination of the applicants next day was a mere form. The last stage was the dinner, which it was customary for the newly-fledged members to give to the examinators and a few friends, in one of the taverns in the Trongate, Princes Street, or Candleriggs. The potations were considerable—so much so, that on some other occasions, Shantreuse was performed on the crown of the causeway, by the more "advanced liberals."

Mr. Baillie's first office was at 141 Trongait, as appears from the Directory of 1811, but next year it was removed to the corner of Brunswick Street and Wilson Street, opposite to the present County Buildings. He afterwards went, about 1817, to the north side of St. Andrew's Street, up one stair. where he remained till he finally left Glasgow. He soon acquired a very large Court business, and was known for his great energy and industry. In proof of his conscientious discharge of duty, it may

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be mentioned that he devoted an hour in the summer mornings to instruct his two apprentices in legal principles, taking Erskine's lesser work as his text-book. One of the number, still in life, has often thankfully acknowledged the great benefit he derived in after professional life from these prelections.

In 1817, Mr. Baillie, after repeated attempts, succeeded in forming the Faculty Library. It was objected that every member should have law books of his own, and that general literature, which Mr. Baillie wished to combine with Law, was out of the question. The Library, now so useful and valuable, consists of upwards of 12,000 volumes.

About 1816, Mr. Baillie formed a partnership with Mr. James Russell, who had been a fellow apprentice. But after a few years, failing health induced his partner to retire to a place in the country which he had purchased. Whilst in the profession in Glasgow, the residence of Mr. Baillie was in "Watson's Land," on the south side of the Gallowgate, north-west corner of South St. Mungo Street, or "Burnt Barns."

During his professional career, Mr. Baillie took little active interest in public matters. He avoided extremes, and used to boast of being a moderate Tory, though his inclination was always to liberal opinions, and he was especially abhorrent of anything like oppression. During the trial of Queen Caroline in 1819, he found out a sailor who had been on board of one of the vessels which was the scene of the supposed misconduct of the Princess. He entered into a correspondence with Lord Brougham and others, her Majesty's counsel, and it is believed the man was sent to London, and proved a valuable witness for the defence. He was a very frequent but anonymous

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contributor to the *Glasgow Chronicle* newspaper, especially on literary and social questions. Whilst in the profession, his unoccupied time was devoted to the preparation of a treatise on the Law of Principal and Agent. He considered this to be a work at that time much required. But when finished, he could not be prevailed on to give it to the public. One instance of his readiness and boldness may be given. At that period the appeals to the Circuit, in cases not exceeding in value £25, were very numerous. One of the Judges of Justiciary sat in a separate apartment to hear them. Mr. Baillie, at one circuit, had two judgments to defend. The Bar attending Circuit was then very limited and very juvenile. Mr. Baillie retained the Depute-Advocate (Mr. Maconochie), and when the cases were called, his counsel was occupied in the Criminal Court. The Judge (Lord Hermand) was wroth at the interruption of business, when Mr. Baillie begged leave to state the cases. He did so successfully, and obtained the commendation of the veteran Judge.

About the year 1825, the health of Mr. Baillie became much impaired. At this time a vacancy occurred in the Sheriff Court at Dunblane. Mr. Baillie applied, and, supported by the amiable and talented Mr. James Reddie, Town-Clerk of Glasgow, he was in that year appointed to the office of Sheriff-Substitute of the western district of Perthshire. Mr. Forbes, afterwards Lord Medwyn, was then Sheriff of the county, and gave the appointment. As the Sheriff-Principal was known to be an *ultra* in politics, no little surprise was expressed at the appointment of one who certainly was far from being of extreme views. The salary was then only £200. It is now £500.

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Mr. Baillie entered on his office with his usual energy. The business was very limited, and the local bar consisted of only four members. He had thus ample time to cultivate his literary tastes, and the Leightonian Library afforded him a rich mine to work upon. He here formed the acquaintance of Mr. Henry Home Drummond of Blair-Drummond, then M.P. for Stirlingshire, and the descendant of Lord Kames. The public are not sufficiently aware how much they owe to that eminent statesman, for Scotch legislation. The first Sheriff Small-Debt Act, General Turnpike Act, and Public House Act, were all the produce of his legislation. In these important statutes Mr. Baillie was his ready and able assistant. In the Small-Debt Act he was chiefly useful. That Statute was foremost in raising the Sheriff Courts to the rank they now justly hold in public estimation.

Nothing annoyed the newly-appointed Sheriff-Substitute more than the tardy procedure in Court. From the limited bar, a system of mutual concession was adopted, to the great prejudice of the clients. To remedy this great evil, Mr. Baillie introduced what he called "the Sheriff's Roll." This contained every case in dependence, and each Court day it was called over by the Sheriff-Substitute himself, and explanations demanded as to the state and progress of the case, and the reason for delay. This at length became so annoying to the practitioners, that they complained to the then Sheriff-Principal, Mr. Duncan M'Neill, afterwards Lord President, and now Baron Colonsay in the British Peerage. The Sheriff recommended the Substitute to abandon the Roll-call; but so wedded was Mr. Baillie to the necessity of such supervision, that rather than renounce his

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plan, he resigned office in 1829. It is remarkable that he was succeeded in office by one of his apprentices, also on the recommendation of Mr. Reddie.

After retiring from office, he availed himself of that opportunity of carrying out what had long been his fond wish—foreign travel. He started from Glasgow on 26th May 1830, for that purpose. During upwards of twelve years, he resided in almost every country in Europe, and visited portions of Asia, Egypt, and Algeria, as well as both North and South America, and several of the islands in the West Indies. He did not, as many travellers do, pass swiftly from one place to another, with an open purse in one hand and an opera-glass in the other, and then inflict a bulky volume of travels on a credulous public. Mr. Baillie remained many months in some interesting centre. He had much readiness in acquiring languages, and thus he became intimately acquainted with the social state and condition of foreign society in its every phase. He kept a series of very comprehensive journals of his travels, recording his observations and reflections, which he sent home in instalments to a friend. When he returned he offered these to certain publishers, but they declined the enterprise, without obtaining a guarantee, which he refused. The chief reasons were, the MSS. appeared so bulky, and so difficult of being deciphered, and, above all, so many similar books had recently been issued from the press, that publishers had sustained losses. This was much to be regretted, because from the keen power of observation possessed by Mr. Baillie, and his exquisite and racy humour, these volumes would have proved a perfect mental photograph of the

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man himself, as well as afforded graphic description of the manners of the age, and of the various places visited. By his last will Mr. Baillie bequeathed these valuable journals to a Member of the Faculty, John Buchanan, LL.D., but with the condition that they are not to be printed or published, as they had not undergone Mr. Baillie's final revision. In his turn, Dr. Buchanan has presented the whole to the Faculty, subject to Mr Baillie's restriction, as a mark of goodwill and respect towards his brethren. They comprehend about 2000 closely written folio pages, divided into thirty-four volumes, besides six note books in octavo form, in the same minute style of caligraphy.

The only journal awanting is No. 4 of the series, which recorded Mr. Baillie's travels in Russia; and he has left a memorandum in its place, stating that it was "purloined by the Russian police." Mr. Baillie was in fact arrested in St Petersburg as a supposed spy, and obtained his liberty only through the interference of the British Ambassador; but the Russian authorities retained the journal alluded to.

On his return to Scotland,, Mr. Baillie took up his residence in Glasgow. For the last ten years of his life he abode in his "humble cottage" in Dalhousie Street, and devoted his time chiefly to reading. He spent the greater part of the day in the Magazine Room of the Royal Exchange. Latterly, when age was stealthily creeping on his once active and acute mind, he might often be found there, seated by the fire, in an easy chair, sound asleep, holding in his hand some favourite periodical. He delighted in the evenings to have a game at whist or chess, at both of which he was no mean adept.

In the year 1862 he became the senior member

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of the Faculty, and kept that patriarchal position for the eleven years which elapsed until his death. He had great pride in being a member of the Faculty, and this, joined to his long and strong advocacy for secular education, led him to perform a remarkable act of self-devotion. On 10th December, 1863, Mr. Baillie transferred to the office-bearers of the Faculty the large sum of £18,000, being the savings of his life-time. This is to be accumulated for twenty-one years from Martinmas 1863. The sum is then to be devoted to the erection and endowment of an Educational Institution in Glasgow, to be called "BAILLIE'S INSTITUTION," having, 1st, one or more Free Libraries; and, 2nd, one or more Free Schools for the male and female children of the operative classes, either gratuitously, or for small school fees. He reserved to himself during his lifetime the office of chamberlain, to manage the fund, with an annual salary of £200. The Trust Deed, as a whole, is a curiosity of its kind. Perhaps no better mental portraiture of the man could be drawn than by giving the introductory clause of the Deed, setting forth the motives which led to this grant. It will be found in the appendix.

In addition to the Trust Deed, Mr. Baillie, of the same date, framed and issued a "Deed of Instructions." This document evidences a wonderful grasp and arrangement of details even of the most minute and trifling description. He provides for the hours when the Libraries are to be open, and the issue of books, which "should be plainly bound;" and rules must be made "to enforce care, cleanliness, and silence in the use of the books by the readers." He desires "sobriety, assiduity, and zeal on the part of the teachers, and emulation, docility, and atten-

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tion on the part of the Scholars." Many other particulars are mentioned, which are well worthy the study and practice of School Boards and teachers.

Mr. Baillie, as is shown by the preamble of his Deed, took the Messrs. Hutcheson, Founders of the Hospital which bears their name, as patterns of his bequest. With that strange eccentricity which marked his whole life, he obtained leave to be buried in a sepulchre constructed under his own directions, at an expense of upwards of £250, in one of the recesses of the south face of Glasgow Cathedral, close to the south door of that venerable pile; the antique and ornate tomb of the brothers Hutcheson, those ancient educational benefactors of Glasgow, being within a few feet of Mr. Baillie's last resting-place, only the door separating the two tombs from each other. Mr. Baillie had his sepulchre prepared many years before he became its occupant, and had it surmounted with his effigy, and an epitaph, which will be found in the Appendix. Instead of being laid to his rest in common earth, his remains were to be deposited in fine sand, which he caused to be placed inside the vault for this purpose, and the joints of the stone cover of the sarcophagus were to be carefully closed with Roman cement. These are mentioned to shew the singular calmness and precision with which he contemplated the details of his burial.

In 1868, a number of members of the Faculty, and a few personal friends, had Mr. Baillie's portrait painted by Mr. Daniel M'Nee, the celebrated artist, as a mark of respect. This portrait is an admirable likeness. It was formally presented by the subscribers, to the Faculty, to be hung up in their Library, where it now is. A full account of the

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presentation, including a very interesting letter from Mr. Baillie himself, appeared in the *Glasgow Herald* of 21st January 1868. This letter is printed in the Appendix.

So long as he could walk about, he paid periodical visits to his selected resting place, his "Cave of Machpelah." Latterly, for nearly two years, he was confined to his lodging and chiefly to bed; but his active mind still was concerned with the busy outer world. At length the summons came, and he quietly expired at six o'clock in the morning of Saturday the 8th of February 1873.

At Mr. Baillie's own request, the funeral took place from the Faculty Buildings, West George Street. The company assembled in the Faculty Library, where an appropriate address was delivered by his own clergyman, the substance of which is given in the appendix. His body was consigned to his prepared tomb, followed by the Members of the ancient Faculty he loved so much, and of which he had been so long the Patriarch. The pall-bearers were, Dr. Adam Paterson, Dean of Faculty, Mr. Thomas Stout, Clerk of Faculty, Mr. Horatius Blair, Dr. John Buchanan, Mr. James Morrison, Sheriff Robison, of Ayr, Mr. Robert Jameson, and Mr. Robert Moody, all Members of the Faculty, except the Sheriff.

These notices may preserve some traces of a man forming a prominent link with the last age, and to whom future generations are to be indebted for free libraries and free schools. The venerable donor had anticipated the age, and was first in the march, long before either Free Library Acts, or Educational Statutes had become portions of our legislation.

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APPENDIX.

I.--EXCERPT FROM MR. BAILLIE'S TRUST DEED.

"BE IT KNOWN by these presents that I, George Baillie, residing at thirty-seven Dalhousie Street, in Glasgow, late Sheriff-Substitute and Commissary-Depute of the Western District of Perthshire, and now the oldest member of the Faculty of Procurators in Glasgow, Being resolved to execute this present Deed to take immediate effect, so that, *Deo favente*, I may, during my own lifetime, see the first steps taken towards the foundation of an Institution intended by me for the benefit of my townsmen, among whom my humble fortune was made, and should be expended—especially as I have no near kindred to provide for—and considering the admirable example set in former times by two members of my own profession in Glasgow, George and Thomas Hutchesone, whose pecuniary bequests, though amounting only to Three Thousand Four Hundred and Twenty-eight Pounds Sterling, according to the usually estimated value of Scots money, have, by being judiciously invested in land near Glasgow, and the progress of the city in commerce and manufactures, with the aid of a few bequests by other persons, become adequate to the support of one of the largest and most useful Institutions in this city; considering, too, that the present age seems to be distinguished from former ages in three important particulars—its enquiring spirit, its utilitarian character, and its reforming tendency; also seeing how necessary security of life and property is to the happiness and advancement of mankind, and that the great risk of any violent disturbance thereof arises from mistaken and shortsighted views

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of the interests of society, and of individuals, whence it becomes the duty of every man, according to his convictions and the means which Providence has bestowed on him, to contribute to the moral and intellectual culture of those who have to struggle with poverty and prejudice in their early years."

II.—FUNERAL ADDRESS BY MR. PAGE HOPPS.

"God has taken another good man to Himself. Little enough do we know of that pure world beyond, but, if we are to go by the words of the great Teacher, it is the pure in heart who will see God, and it is the sympathetic and the generous who will receive the blessing from the Father of us all. In that higher state we shall not be asked, and we shall not ask, how we worshipped while on earth, or by what name we were called; but whatever light or happiness is there, must surely be for ever associated with the thoughts, the affections, and the actions which are in harmony with the Spirit of Him who, according to the gospels, went about doing good, and who, if He were here, would surely love the men who do what in them lies to make life more of a blessing to the toilworn and the poor.

"We have been told by a great authority, that the memory of the just is blessed; and surely they may be numbered with those, who deny themselves many things that the world counts most desirable, that they may help to make the poor man's lot lighter, and save the young from the curse of ignorance. For what can add so much to human happiness as the lifting up, upon the dark minds of men, the light of knowledge? and what can so help to cheer the hard lot of the toiler as fellowship with the masters of thought—the historians, the philosophers, and the poets of ancient and modern times? These are the world's seers, prophets, and teachers, the lights of all ages, the sowers of the good seed of life, the friends of progress, and the harbingers of better days; and they who prepare the way for them

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or who make our way easy to them, are the benefactors of their kind.

"'By their fruits ye shall know them,' said the great Teacher; and His verdict has received the confirmation of every succeeding age. By his fruit, therefore, shall George Baillie be known. In that remarkable deed of trust, which is already well known to you, he has expressed his sympathy with 'those who have to struggle with poverty and prejudice in their early years,' and with 'the honest, sober, and industrious operative classes,' to whom every great city owes so much, but for whom every great city has done so little. He has been thoughtful, also, for working *women*, and, by making provision for their intellectual culture and mental refreshment, he has set a good example to the community, which has to so great an extent neglected their mental wants. He has been mindful of the *young*, too, and has planned for them a system of education which, if carried out in its strict integrity, as I doubt not it will be, must go far to free the education of our public schools from the partialities of sectarianism and the interferences of creeds. He has, in short, declared his main object to be the inculcation of 'the utmost attainable extent of rectitude, intelligence, industry, self-reliance, and self-control among the poor adult industrial population of Glasgow, and their children; and to promote a proper respect for law and order, whereby crime and fraud may be restrained in this great commercial community.'

"With this good man's Trust in view, then, and in discharge of this day's solemn duty, in presence of those whose pleasant task it will be to carry out his kind intentions, I repeat his own simple and earnest words when he declared that, in this generous act of his, and in making these arrangements, he desired to manifest his confidence in the intelligence, integrity, and prudence of his brethren, and his 'ardent desire to enlarge their sphere of usefulness, influence, and dignity among their fellow-citizens, in the belief that

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they will emulate the excellent example shown by their distinguished professional predecessors, George and Thomas Hutchesone; and by evincing due zeal, foresight, and fidelity in the administration of the institution, and economy in its management, nobly refute any unjust and foolish aspersions which may occasionally have been thrown on the legal profession as a class, to the special detriment of the public interest.'

"To you, the guardians of public law, whose noble vocation it is to see that justice is done, and whose honourable profession should be a bulwark against oppression and a barrier against greed, to you is committed this generous and enlightened Trust. He who committed it to you knew that he gave it into safe, discreet, and honourable hands; and future generations will assuredly have cause to be grateful both to him and to you for an Institution which he deliberately intended should be in harmony with what he believed were the distinguishing characteristics of this age—'its enquiring spirit, its utilitarian character, and its reforming tendency.' Let us earnestly hope that these three characteristics of the age may indeed be provided for in the future, and that the 'Baillie Institution' may help to create and to satisfy the thirst of the enquiring spirit, assist in increasing the sum of human happiness, and promote all wholesome private and public reforms. And may He who gives to *every* man his duty teach us all to do justice, to love mercy, and to walk humbly with our God. Amen."

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III.—MR. BAILLIE'S EPITAPH.

HERE RESTS

George Baillie,

A MEMBER OF THE FACULTY OF

PROCURATORS IN GLASGOW,

AND

ONE OF THE SHERIFFS-SUBSTITUTE OF

THE COUNTY OF PERTH,

WHO SOME YEARS BEFORE HIS DEATH

DIVESTED HIMSELF OF ALL HIS LARGE FORTUNE TO ENDOW

BAILLIE'S INSTITUTION

FOR PROMOTING THE INTELLECTUAL CULTURE OF THE OPERATIVE

CLASSES IN GLASGOW BY MEANS OF

FREE PUBLIC LIBRARIES, READING ROOMS, AND UNSECTARIAN

SCHOOLS IN THE CITY AND SUBURBS,

UNDER THE MANAGEMENT OF THE FACULTY, BY WHOM

WITH SPECIAL PERMISSION OF THE CROWN,

THIS MONUMENT IS ERECTED HERE.

MAY IT BE AN INCENTIVE TO OTHERS TO IMITATE THIS RARE

EXAMPLE OF SELF-SACRIFICE AND BENEVOLENCE.

HE DIED 8TH FEBY. 1873, IN HIS 89TH YEAR.

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IV.—LIST OF THE DEANS OF THE FACULTY OF PROCURATORS IN GLASGOW,

FROM 1748 TILL 1873, A PERIOD OF 125 YEARS.

No.	Name.	When elected Dean.	Length of Tenure.	Date of Death, Retirement, &c.
			Years.	
1	John Wardrop,	1748	24	He succeeded Hugh Crawford as Dean, and died in 1772. In 1736 Mr. Wardrop was Bailie of the Regality of Glasgow, and Clerk to the four Incorporations of Hammermen, Coopers, Masons, and Barbers. (See M'Ure's History, pp. 220, 225, 226.)
2	Wm. Sommerville,	1772	5	Died 1777.
3	Alex. Wotherspoon,	1777	2	Died 1779. Mr. Wotherspoon, in 1736, was Clerk to the Incorporations of Skinners and Tailors. (M'Ure, p. 225.)
4	John Buchanan,	1779	2	Died 1781. An able Conveyancer in large practice. Was Secretary to "The Buchanan Society," (the oldest charitable Institution in Glasgow, except Hutcheson's Hospital), from 1745 till his death—a period of 35 years. His office was in "Buchanan Court," on north side of Trongait, immediately west from Tontine. This Court was built by, and named after, him.
5	John Orr,	1781	22	Died 1803, aged 58. Was an Advocate, and proprietor of Barrowfield Estate. He was also principal Town Clerk of Glasgow, from 20th June, 1781, till his death, on 16th December, 1803. Was succeeded by Mr. Jas. Reddie, Advocate, in the Town Clerkship.

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No.	Name.	When elected Dean.	Length of Tenure.	Date of Death, Retirement, &c.
6	Claud Marshall,	1804	8	Died 1812, aged 75.
7	James Hill,	1812	7	Died 1819, aged 55. Proprietor of the Estate of Busby. A direct lineal descendant of Ninian Hill, of Lambhill, husband of one of the sisters of the founders of "Hutcheson's Hospital." The town of "Maryhill" is named after one of his female relations.
8	John Lang,	1819	27	Died in 1846, aged 90. Proprietor of the lands of Harthope.
9	Alex. Morrison,	1846	14	Died 1860, aged 73. Proprietor of Ballinakill, Argyllshire.
10	Andw. Bannatyne, LL.D.,	1860	5	Retired from Deanship in 1865. Died 11th June, 1871, aged 75.
11	Jas. Mitchell, A.M.,	1865	3	Retired from Deanship in 1868.
12	Wm. Towers-Clark,	1868	2	Died 1870, aged 65. Proprietor of Wester-Moffat.
13	Adam Paterson, LL.D., of Springhall,	1870		The present Dean of Faculty.

JUNE 1873.

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V.—LIST OF MEMBERS OF THE FACULTY OF PROCURATORS IN GLASGOW IN 1783,

PRIOR TO THE CHARTER OF INCORPORATION.

JOHN ORR OF BARROWFIELD, ADVOCATE, DEAN OF FACULTY.

No.	Name.	Address.	Year of Admission.	
1	John Marshall,	Sheriff-Substitute, Saltmarket.	Uncertain.	
2	John Findlay,	of Parkhouse, Orr's Land, Gallowgait (opposite Charlotte Street).	1729	
3	John Wilson,	one of the City Clerks, Gallowgait.	1733	
4	Robert Barclay,	of Capelrig.	Uncertain.	
5	James Ritchie,	Queen Street.	1742	
6	James Clark,	High Street.	1750	
7	Thomas Graham,	Head of Stockwell, Trongait.	1751	Father of No. 48.
8	Claud Marshall,	Laigh Kirk Close.	1758	
9	John Maxwell, sen.,	of Fingalton, Moodie's Wynd.	1760	Maxwell Street was carried through the *solum* of his grounds, and named after him.
10	George Thomson,	Trongait.	1761	
11	John Snodgrass,	Uncertain.	Uncertain	
12	Archibald Givan,	Opposite Post-Office, Gibson's Wynd (now Prince's Street).	1763	
13	John Robb,	Trongait.	1765	
14	George Riddoch,	Saltmarket.	1765	

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No.	Name.	Address.	Year of Admission.	
15	George Smith,	Saltmarket.	1766	
16	Robert Cross,	Country.	1766	
17	Joseph Crombie,	Donald's Land, Trongait.	1768	
18	James Buchanan,	Saracen's Head Inn, Gallowgait.	1769	
19	Matthew Gilmour,	High Street.	1769	
20	John Maxwell, jun.,	Horn's Court, Argyll Street.	1769	Of Dargavel.
21	James Oswald,	Kirkintilloch.	1770	
22	James Graham,	Trongait.	1771	
23	John Wilson, jun.,	Saltmarket-foot.	1771	
24	Robert Græme,	Saltmarket.	1772	Afterwards Sheriff-Substitute. "Græme Street" opened by, and named after, him.
25	Robert M'Aulay,	Trades' Land, corner of Saltmarket.	1772	
26	Robert Park,	Gallowgait.	1772	
27	John Hamilton,	Saltmarket.	1772	
28	Archibald Graham,	Thistle Bank, Virginia Street.	1772	Appointed Cashier to the Thistle Bank, on 12th March, 1781. Previously was partner with No. 7, his father-in-law; firm, T. & A. Graham.
29	Benjamin Barton,	Buchanan's Land, Trongait, near Tontine.	1772	Commissary Clerk till 1818.
30	John Scales,	Head of New Wynd, Trongait.	1773	
31	James M'Lehose,	London.	Uncertain.	

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No.	Name.	Address.	Year of Admission.	
32	James Cunison,	of Jerviston, Sheriff-Clerk.	1775	
33	David Scott,	"Saltmarket-foot."	1775	
34	Alex. M'Culloch,	Gallowgait.	1776	
35	John Dillon,	Saltmarket.	1777	Went to Edinburgh many years, and latterly was Sheriff-Substitute at Glasgow.
36	Archibald Smith,	Saltmarket.	1777	
37	John Lang,	New Wynd.	1777	Dean of Faculty from 1819 till 1846.
38	David Hutcheson,	Saltmarket.	1778	Town-Clerk of Renfrew
39	John Shiels,	Entry to St. Andrew's Church, off Gallowgait.	1778	
40	James Mathie,	Saltmarket.	1778	
41	George Crawford,	Head of King Street.	1778	
42	George Muir,	High Street.	1779	
43	John M'Ewan,	Laigh Kirk Close.	1779	Afterwards of Campside.
44	James M'Nayr,	Kings Street.	1780	One of the Founders of the *Glasgow Herald* in 1803, and its first Editor. Author of a Treatise on Conveyancing.
45	John Leckie,	Trongait.	1780	Afterwards of Broich.
46	Alex. Robertson,	Argyll Street.	1780	

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No.	Name.	Address.	Year of Admission.	
47	William M'Aullay,	Trades' Land, Saltmarket.	1781	
48	Robert Graham,	Trongait.	1781	Son of, and afterwards partner with, No. 7, as T. & R. Graham; also proprietor of Whitehill, and first Lord Provost of Glasgow, after Reform Act.
49	Archd. Simpson,	Castlepen's Land, High Street.	1781	
50	John Purdon,	Saltmarket.	1781	
51	John Orr,	of Barrowfield, Town Clerk.	1781	
52	William Lindsay,	Laigh Kirk Close.	1782	Afterwards of Oatlands, Little Govan.
53	Thos. Falconer,	Laigh Kirk Close.	1782	Afterwards of Brownieside, Lanarkshire.

NOTE.—The roll and addresses of the Members are taken from an original copy of the first Directory in Glasgow, "Printed for John Tait, stationer, the Publisher, and sold at his shop, a little above the Cross," 1783. The years of admission are from "'The Glasgow Almanack,' published by J. Mennons, Editor of the *Glasgow Advertiser*, and sold at his shop, Saltmarket," 1786. In this Almanack the very same names are repeated, as in Tait's Directory, so that no deaths of Members appear to have occurred in the short interval. "Each entrant, being a stranger, pays £21, besides £3 for exemption of quarter accounts. Upon serving an apprenticeship, or as son, or son-in-law of a Member, £10 and £3 for exemption of quarter accounts."—[*Ibid.*]

In 1783, the population of Glasgow, was only about 46,000. The streets had not then been numbered. The Town-Clerk's office, and Court House, were in the Tolbooth Buildings, Cross. The Sheriff-Clerk's office was in St. Andrew's Lane, off Gallowgait, east side, up one stair. The office of the Commissary Clerk was in Buchanan Court, Trongait, second floor.

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VI.—LIST OF THE FACULTY OF PROCURATORS IN GLASGOW IN 1811, WHEN MR. GEORGE BAILLIE WAS ADMITTED; THE LOCALITIES OF THEIR PLACES OF BUSINESS, &c.

INCORPORATED BY ROYAL CHARTER, DATED 6 JUNE 1796.

Date of Admission.	Names.	Places of Business, and Remarks.
1758	Claud Marshall,	79 Stirling Street. Dean of Faculty many years. Died in office 16th January, 1812, aged 75.
1772	John Hamilton,	Collector of Poors' and Widows' Fund, 39 Saltmarket.
1772	Benjamin Barton,	Commissary Clerk, 177 Trongait, near Cross.
1773	John Scales,	78 Stirling Street.
1775	James Cunison,	Sheriff-Clerk, Stirling Street.
1777	John Dillon,	Went to Edinburgh. Many years afterwards appointed Sheriff-Substitute at Glasgow.
1777	John Lang,	19 Virginia Street. Afterwards Dean of Faculty. Died in 1846.
1778	David Hutcheson,	Robertson's Land, Argyll Street, first west of Virginia Street.
1778	George Crawfurd,	79 Stirling Street.
1779	George Muir,	
1779	John M'Ewan,	of M'Ewan & Ballingall, 69 Trongait
1780	John Leckie,	
1780	Alexander Robertson,	Tontine Back Buildings.
1781	W. M'Aulay,	
1781	Robert Graham,	of Graham & Mitchell, 48 Miller Street.
1782	William Lindsay,	formerly of Lindsay & Ballingall; thereafter of Lindsay & Pearson, Moodie's Court, Argyll Street.
1782	Thomas Falconer,	Treasurer, and Clerk to Faculty, and Commissary-Depute, 98 Trongait.

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Date of Admission.	Names.	Places of Business, and Remarks.
1783	James Robb,	of Robb & M'Callum, 62 Trongait.
1784	William Wilson,	of Wilson & M'Intyre, 32 Argyll Street, Factor to Sir John Maxwell, Bart., of Pollok.
1785	Thomas Marshall,	449 Gallowgate, south side, near Cross.
1786	John Bennet,	Procurator-Fiscal, Burgh Court, City Chambers, Tolbooth, Cross.
1787	James Galloway,	21 Glassford Street, west side ; built "Galloway's Court" there ; afterwards Lecturer on Conveyancing, and Auditor of Burgh Court.
1787	Robert Anderson,	Wallace Court, Bell Street.
1787	Peter Peterson,	11 Saltmarket, in Trades' Land.
1789	James Hill,	39 Glassford Street ; afterwards for many years Dean of Faculty.
1789	Archibald Cuthill,	69 Glassford Street ; Clerk to the Lieutenancy of the Glasgow District.
1789	John Baird,	
1789	James Corbet,	
1790	Alexander Campbell,	164 Trongait ; Presbytery Clerk ; a cousin of Thomas Campbell, author of "The Pleasures of Hope."
1790	D. M'Farlane,	Went to the Bar in Edinburgh.
1791	Robert Walkinshaw,	of Walkinshaw & Dow, 153 Stockwell ; a Councillor of the Faculty, and Sheriff-Clerk of Renfrewshire.
1791	David Lang,	Councillor, 26 Brunswick Place.
1792	John Anderson,	449 Gallowgate, south side, near Cross.
1792	Alexander M'Grigor,	Procurator-Fiscal, Commissary Court ; of M'Grigor & Murray, 177 Trongait.
1792	John Clark,	78 Stirling Street.
1793	James Grant,	6 King Street.
1793	John Wilson Rae,	Went to the Bar in Edinburgh.
1793	Thomas Graham,	Distributor of Stamps ; 141 Trongait ; afterwards of Graham, Cuthill, & Monteath.

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Date of Admission.	Names.	Places of Business, and Remarks.
1793	William Bogle,	of Bogle & Gilfillan, Wallace Court, Bell Street.
1793	James Bogle,	St. Andrew's Lane, off Gallowgait.
1795	Hugh Towart,	101 Candleriggs; afterwards Librarian to the Faculty.
1795	John Fleming,	31 Albion Street; of Fleming & Strang.
1795	Robert Nimmo,	Clerk of Police. South Albion Street, off Bell Street.
1795	William Aitchison,	Currie's Close, 302 High Street.
1795	Nathaniel Stevenson,	63 Candleriggs; Fiscal for Commissariat of Hamilton and Campsie. Was afterwards the first Provost of the new Burgh of Calton.
1795	Benjamin Mathie,	Clerk to Trades' House; of Benjamin & David Mathie, Melville Place, 132 Trongait. Was one of the chief originators of the *Glasgow Herald* in 1803.
1795	Hugh Mann,	88 Hutcheson Street; formerly of Hugh Mann & William Duncan, 101 Candleriggs.
1795	William Duncan,	Post Office Court, Trongait, S.W. corner of Candleriggs; formerly partner with Hugh Mann.
1795	John Ewing,	101 Candleriggs.
1796	Hugh Kerr,	Sheriff Clerk Depute, 79 Stirling Street; latterly Auditor of Sheriff Court.
1796	Alexander Leighton,	177 Trongait; assistant to Benjamin Barton. Commissary Clerk.
1796	John Brown,	
1796	William Watson,	25 Gallowgait. Last survivor of the Members of Faculty at date of the Charter in 1796. Died in April, 1860, aged 90.
1796	Alexander M'Pherson,	M'Pherson & M'Lachlan, Old Virginia Mansion, second floor, head of Virginia Street.
1796	Hugh M'Lachlan,	
1796	Robert Wright,	459 Gallowgait, near Cross.
1797	Andrew Macgeorge,	Councillor; of A. Macgeorge & William Laurie, 13 Brunswick Place.
1797	Andrew Robertson,	Tontine Back Buildings.

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Date of Admission.	Names.	Places of Business, and Remarks.
1797	James Steel,	164 Trongait; father of the late William Steele, Sheriff-Substitute of Lanarkshire.
1797	George Blair,	32 Albion Street.
1797	Matthew Taylor,	37 Brunswick Place; son of Principal Taylor, College, High Street.
1797	Andrew Mitchell,	Councillor; of Graham & Mitchell, 48 Miller Street.
1799	Robert Thomson,	Third Town-Clerk, City Chambers, Tolbooth, Cross.
1799	William Laurie,	of Macgeorge & Laurie, 13 Brunswick Place.
1800	John Mann,	6 St. Andrew's Lane; afterwards Keeper of the Burgh Register of Sasines, City Chambers.
1800	Thomas Meek,	Councillor; 71 Hutcheson Street; Clerk to the Lieutenancy of the Lower Ward of Lanarkshire.
1800	James Elder,	94 Candleriggs; formerly of M'Nayr & Elder; afterwards of Elder & Marshall. Mr. M'Nayr was one of the originators, in 1803, of the *Glasgow Herald*, and its first editor. He also wrote a Treatise on Conveyancing,
1800	James Cleland,	
1802	William Glen,	Justice of Peace Clerk, 13 Brunswick Street; author of an excellent Treatise on the Law of Bills.
1802	Alexander Carrick,	22 Argyll Street.
1802	Archibald Turner,	15 St. Andrew Street.
1802	John Hamilton, jun.,	57 High Street.
1804	James Hamilton,	39 Hutcheson Street.
1804	John Douglas,	of Douglas & Ferguson, Old Post Office Court, Trongait, S.W. corner of Candleriggs.

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Date of Admission.	Names.	Places of Business, and Remarks.
1804	John Stewart,	43 Trongait.
1804	James Wilson,	83 Saltmarket.
1804	John Knox,	2 Hutcheson Street.
1804	Michael Gilfillan,	of Bogle & Gilfillan, Wallace Court, Bell Street.
1804	John Turnbull,	1 Brunswick Place.
1804	Robert Muir,	32 Brunswick Street.
1804	Adam Grant,	94 Candleriggs.
1804	Ebenezer Marshall,	
1804	William Scales,	78 Stirling Street.
1804	Andrew Ballingall,	32 Hutcheson Street, west side, first court north from Wilson Street.
1804	Andrew Whyte,	102 Trongait, S.E. corner of Glassford Street.
1804	Wm. Gordon Mack,	of W. G. Mack & Hugh Laurie, 154 Trongait.
1807	James Cochran,	
1807	George Salmond,	52 Virginia Street; afterwards Procurator-Fiscal for Lanarkshire, having succeeded W. D. Barclay, *circa* 1816.
1807	John M'Donald,	of John M'Donald & William Goodwin, 1 Brunswick Place.
1807	George Morison,	449 Gallowgate, near Cross.
1808	William Dunn Barclay,	26 South Albion Street; sometime Procurator-Fiscal for Lanarkshire.
1808	Henry Gordon,	Galloway's Court, 21 Glassford Street, west side.
1808	Richard Henderson,	Second Town-Clerk, City Chambers, Tolbooth, Cross; a wooden leg.
1808	Andrew Dow,	of Walkinshaw & Dow, 153 Stockwell; afterwards Clerk to the Faculty.
1809	John Ferguson,	of J. Ferguson and Duncan Turner, 26 South Albion Street.
1809	William Graham,	30 Candleriggs: afterwards of Hill, Graham, & Davidson, 1 South Frederick Street.

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Date of Admission.	Names.	Places of Business, and Remarks.
1809	James Tayler,	22 Gallowgait; afterwards of Tayler & Gardner, north side of Bell Street, west end, near Candleriggs.
1809	James Henderson,	92 King Street.
1810	Duncan Turner,	26 South Albion Street, of John Ferguson & Duncan Turner.
1811	Alexander Morrison,	19 Brunswick Place; afterwards of Laurie & Morrison, Nelson Street; Dean of Faculty from 1846 to 1860.
1811	GEORGE BAILLIE,	141 Trongait; house, Watson's Court, Gallowgait.

[From the General Almanack of Scotland and British Register" for 1811, printed at Edinburgh by David Ramsay & Son, for James & Andrew Duncan, Booksellers, Glasgow, Publishers; and dedicated to Francis Garden, Esq., Chairman, and "the other respectable Members of the Chamber of Commerce, Glasgow," "containing an improved Kalendar." The office localities are from M'Feat's Glasgow Directory for 1811.]

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VII.—LETTER FROM MR. BAILLIE TO MR. JOHN BUCHANAN.

GLASGOW, 37 DALHOUSIE STREET
20th January, 1868.

MY DEAR MR. BUCHANAN,

May I solicit of you the favour to apologise respectfully to my brethren for my lamented inability to appear among them to-day, by reason of my advanced age and infirmities, and to habits of diffidence and retirement, which I cannot shake off; but still more to a deeply-felt incapacity to express personally my sense of the honour they intend to confer on me —an honour far beyond my merits, but which I fully appreciate as being likely to stimulate others to acts of beneficence at some future period.

The examples of our professional predecessors George and Thomas Hutchesone stimulated me to do what I have done; and our united examples will, I hope, hereafter produce even better fruits. You, on a late occasion, remarked to me that the Hutchesones had much wealth, and had left but *little* thereof for charitable purposes after their death, but that my Bequest was much more considerable, and embraced my whole fortune to take effect in my *lifetime*. Well, be it so, still the Hutchesones' Bequests are precious examples of the wonderful powers of *prevoyance*, zeal, and economy in the management of Trust Funds; for, small though these funds were originally, they have served to establish by far the most extensively benevolent Institution in Glasgow which any one family has hitherto founded.

As I may now, alas! be called the Nestor of the Faculty, I felt towards its members something akin to the pride and partiality of a father for his family. Hence to them I have bequeathed the pleasant power and privilege at a proper period of perpetually spread-

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ing the blessings of educational self-culture among the operative classes in Glasgow, and their children, of both sexes, in a *way* and *manner* best suited to their local comforts and convenience at all seasons. Thus the operative classes, which form the very *stamina* of our population, will be better fitted to exercise properly the political power now promised to them.

Hitherto, I fear, both law and lawyers have been viewed more in the light of "a terror to evil doers" than "a praise to those who do well;" but I would fain hope that my Institution will in time help to correct that evil. Law and lawyers are so incessantly and closely connected that whatever affects the character of the lawyers affects considerably the efficiency of the law itself, to the serious detriment of the public interest; but this state of things will, I hope, be improved when the Faculty is seen in the amicable light of distributing useful knowledge gratuitously and continuously among the operative classes. My brethren will then enjoy from age to age the greatest of all luxuries—the luxury of doing good; and thus the character and efficiency of both law and lawyers will be raised to their legitimate position in our community.

Akin to these topics, please permit me respectfully to invite the attention of my brethren to the following clause on page seventh of the Royal Charter, 18th March last, confirmatory of the Trust Deed and Deed of Directions of my Institution:—"For facilitating the execution of the said Trust, he thereby authorized and directed his said Trustees to procure a Crown Charter in the terms therein and hereinafter expressed, Declaring that in this particular he wished respectfully to manifest his confidence in the intelligence, integrity, and good management of his professional brethren in the said Faculty; and his ardent desire to the utmost of his humble means to enlarge their sphere of usefulness, influence, and dignity among their fellow-citizens, in the belief that they would emulate the excellent example shewn them as aforesaid by their distinguished professional prede-

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cessors George and Thomas Hutchesone, and by evincing due zeal, foresight, and fidelity in the administration of the Institution and economy in its management, nobly refute any unjust and foolish aspersions which might occasionally have been thrown by ignorant men on the legal profession as a class to the special detriment of the public interest."

The subject matter of the foregoing clause seems to me peculiarly appropriate on the present occasion, especially as this is probably the last time I shall ever have the pleasure and privilege of addressing my esteemed professional brethren. That their career as perpetual Preceptor, Patrons, and Directors of my Institution may be long, prosperous, dignified, and useful is the desire now nearest my heart. Be so good as read these off-hand remarks to the meeting,

And believe me,

My Dear Mr. Buchanan,

Yours very sincerely,

(Signed) GEO. BAILLIE.

John Buchanan, Esq.,
Member of the Faculty
of Procurators, Glasgow.

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REMINISCENCES

IN CONNECTION WITH

THE LEGAL PROFESSION IN GLASGOW;

BY A

MEMBER OF THE FACULTY OF PROCURATORS.

GLASGOW:
JAMES MACLEHOSE, PUBLISHER TO THE UNIVERSITY, AND BOOKSELLER TO THE FACULTY OF PROCURATORS.
1873.

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NOTE.

These Reminiscences originally appeared in detached sections, through the columns of a newspaper. But a wish having been expressed that they should be collected into a more convenient form, the subject has been revised, and is now presented, with corrections and additions.

GLASGOW, *July 1873.*

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REMINISCENCES.

Among the numerous changes on men and things in this now great city within a comparatively short time, it is curious to note some of those relating to the legal profession.

When I was articled to an eminent member of Faculty, in the second decade of the present century, there were 145 Procurators. Of these, the senior was admitted in 1772. The great proportion were elderly. The Dean was Mr. James Hill, a member of 1789. His ancestor was one of the founders of Hutchesons' Hospital, and a notary here, in the reign of Charles I. His office was through an archway at the Cross, on the site of which now stand the Tontine buildings. The whole of these 145 Procurators are now dead except two. The late venerable Father of the Faculty, Mr. George Baillie, was then a brisk young practitioner, 79 from the top of the roll, smartly dressed, and carrying a cane. A distinguished Sheriff in a neighbouring county was one of his apprentices.

Many of these old Scribes had nicknames. Thus, one was known as "Lord Chesterfield," from his graceful manners; another "The Backie-Bird," as he was a hunch-back. A third was "Rusty," so named from the peculiarity of his vocal notes, which rivalled the charming music from a file, combined with the delicate auricular sensation produced by the sudden turning of a key in the lock of a barn door which had not been refreshed with oil in half a century. A fourth was "The Deil's Darnin' Needle," tall, thin, and who walked in strides like a heron in a marsh. Fifth, "Pawkie Pate," a crafty Saltmarket body, with a lisp. Sixth, "The Howlet;" to which melancholy night-bird this Procurator bore no small likeness, not merely in his round face, hooked beak, and black, deep-set, winky eyes, peering under a tufty wig, but in the pitiable "hooley-hoo" tone of voice in con-

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versation, which he usually concluded with a deeply drawn, fatty sigh. A seventh was "The Ghost," which, from all accounts of these alarming beings, he very much resembled. Moreover, his mouth was roomy, indicating affinity to the skate family. It was generally kept wide open, perhaps for air, revealing an irregular set of long, yellow, alligator-like fangs, which must have done terrible execution on the harder portion of the provisions daily shovelled into this remarkable alimentary chasm. Of course, a yawn or a laugh was awful. It would be unpardonable to omit, without respectful notice, the lower limbs. These had, from infancy, a most affectionate attachment to each other, not exceeded even by that of Damon and Pythias, so much so, that when this legal apparition "walked," they constantly embraced at the knee—affording from that point downward a remarkably fine example of an isosceles triangle, or the lines of the fourth letter of the Greek alphabet. What a pity that Dr. Hibbert was not acquainted with this spectre, when writing his curious volume on "The Philosophy of Apparitions." An eighth gentleman was "The Baggie-Mennon," little, with a belly, and short stumpy legs. Ninth, "The Gander," in striking contrast to the "Baggie," being tall, handsome, and witty—wearing his hat jauntily on the side of his head, over a brown wig nicely curled and scented, while his inexpressibles were loose and ample as a Turk's. Tenth, "The Colliers' Advocate," indicative of the class to which his clients chiefly belonged. He was tall, lean, and solemn—a fair specimen of the Don Quixote *physique*—wore very large-eyed spectacles, through which he seemed everlastingly contemplating the clouds, probably to catch ideas; his left hand usually in his bosom, while his voice vied in melody with that of a drake. Eleventh was "The Judge." This honourable appellation resulted from the owner of it having been accustomed, at the solicitation of a few of his brethren, to decide "law points" discussed before him after sunset in the "Boot Tavern," Saltmarket. He was small in stature, with a very large head, peony visage, peering grey eyes, calf-like lips, especially the lowermost, which was apt to flap and quiver in speaking, to say nothing of a pair of remarkably broad ears, which stood out at right angles as if anxious to get a better view of his goose-shaped feet. In walking, this gentleman took very short steps, being proverbial for caution in all his proceedings. The "Judge's" voice was loud and authoritative, with a sort of snort when a question was started, intended to convey contempt for those who could not like himself at once penetrate and explode

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all legal difficulties under the moon. But as these learned discussions in "The Boot" had a remarkable tendency to create fatigue and thirst, it became absolutely necessary to change the subject, which was done by the introduction of Welsh-rabbits and nectar from Prestonpans, thus concluding the nocturnal performance. Lastly, to complete the dozen, was "Fir-tap," whose chamber existed in an elevated situation in a peculiarly pungent High Street close, he himself having been remarkable, not so much for beauty, as for the conical shape of his head, which was scrimply covered with a brownish coloured wig, said to have been elaborated from remnants of dyed tow. His cheeks were loose and baggy, while the hue of his countenance resembled that of an ill-fired pancake.

All these interesting mortals were members of Faculty. But there was a host of irregular practitioners—not Procurators—feelingly called "poachers." In these old times the Faculty was much more exclusive than now. No one could enter unless he had served an apprenticeship of five years with a member of the Glasgow Faculty, besides at least one year's clerkship either here, or with a Writer to the Signet, to see Edinburgh practice. Even a Procurator could not take an apprentice into his office without presenting a petition for authority to do so to the Dean and Council and obtaining their sanction. The Procurator thus applying required also to produce with his petition certain certificates as to the education of the proposed apprentice, especially in Latin, and make oath that he (the Procurator) had received a considerable specified sum as an apprentice-fee. For instance, mine was forty guineas; the indenture was written, in my boyish hand, with some trepidation, on a thirty pound stamp; and a fee of seven guineas was paid to the Clerk of Faculty for booking the indenture. I say nothing of the heavy expense at admission as a Procurator, or of the sumptuous dinner in a hotel, with which it was usual for the newly fledged member to treat his examinators and friends, as "a reasonable gratification for their trouble." These are, to a great extent, things of the past.

At this point of the retrospect I cannot refrain from introducing my worthy old master, whose memory I cherish with affectionate respect. He was tall, thin, elderly, and rather a recluse. He was one of the few in these days who wore a black coat, and vest. The latter portion of his raiment was relieved by an under one of scarlet, well seen; a white neckcloth, with long ends like a minister's bands, and a squall of "ruffles." The

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nether part of his attenuated figure was encased in drab knee-breeches, with long gaiters, loosely made, as he had no calves to shew off through a tight fit, as others did, and he constantly carried a pea-green silk umbrella, wet or dry. He was a bachelor, and a great advocate for fresh air and exercise, which he put into practice in his own person by a constitutional walk round the Green every morning, accompanied by a pugnacious terrier named "Oscar," which refused attentions from every one except its owner. This interesting old Scribe emerged from his walk in the Verdant Park, by Charlotte Street, then through "Balaam's Passage," to St. Andrew Square, and Saltmarket (no London Street in these days), finishing off at "the Coffee Room," as the old Exchange at the Cross was popularly called. There he would read the *Courier*, occupying generally one of the old-fashioned circular-backed arm-chairs, painted green, at the great window, top of the room, and after chatting on the news of the day with some of his friends—perhaps Mr. Walter Graham, or old "Justice Dick," profusely powdered, both of whom were then so well known—he made his appearance in the office, pointedly at half-past ten o'clock.

It was a large business, but the weight of it was taken off the senior, by a junior partner. There were eight clerks and apprentices, and a suite of chambers. The innermost was the *sanctum* of this fine old man, and the window looked into a large back court, in which were two other writers' offices. There, he would sit alone with the door shut, whole days, poring over deeds, for he was an admirable conveyancer, and often consulted by his brethren on knotty points. He wrote a great deal himself, in a large Roman hand. But when he got tired, he would come silently out, sometimes on his stocking soles, into the public office, and capture an apprentice. This was a thing not particularly agreeable, for when they went off with him into the "back room," the capturee was no more seen or heard of again *that* day. Therefore every decent excuse was tried to escape. It was amazing how active the memories suddenly became. One had forgotten to intimate a caption, and behoved to run down immediately on the subject. Another had a qualm of conscience about a motion either for or against circumduction, and required to fly. A third had nothing particular to say, so with a great and triumphant pinch of snuff, the master politely asked him "to come *this way*." He durst not meddle with the senior clerks, for their hands were always full. But I have seen him defeated after all, and obliged to retrace his steps and shut himself up. Having not unfrequently experienced

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the beatitudes of the back room, I may say a few words on some things which came under my observation after the door was shut. I think I see him. He would sit down on a low cane chair, with his shoes off, and one leg on each hob, for he had mightily to contend with cold feet. In his hand some old deed, perhaps a charter, having the hue and odour of Egyptian mummy-cloth. A page of dictation. A pause, for the worthy man took fits of abstraction. Another dose of dictation. A second lull, and intense gaze into the fire. Put on one shoe with the heel down; then deep and silent cogitation. Suddenly arose on the air, the inspiriting notes of a squeaky fiddle, accompanied by a song. A start, and no wonder, for the musician was a person of whom Glasgow has reason to be proud. It was "blind Alick," *alias* the Glasgow Homer, arrived to practice in the back court, some new poetical emanation from his highly cultivated brain, but requiring a quietish place to try the words to the music, before gratifying the public of Bell Street, Candleriggs, and other favoured regions. If the words would not clink, or if more feet were in one line than another, the difficulty was smothered in a crash of quick, cat-gut screaming. Perhaps pence thrown over the windows above, to induce this Scottish Paganini to favour other portions of the city with his presence, may also have had some effect in attracting him to our vicinity. Be that as it might, *there* he was. The old gentleman's reverie was dispelled in a moment. Apollo dished it. Rising on one shoe, the other on the hob, he exclaimed in a melancholy tone—"That man's back again. It's awful." The office-keeper was sent down with a peremptory request to depart, backed with a penny.

On one occasion, a client, who relished the drama, sent the lawyer a couple of theatre tickets, for the elder Kean's benefit-night. One of these I had the privilege to receive; the other went to the senior apprentice. On giving me the ticket, I was asked if I had yet read Shakespear, to which I candidly replied in the negative, but that I had a favourable opinion of Don Quixote, and Peregrine Pickle. His wrinkled face assumed a smile, and, shewing me a small volume, said, "*There* is a book worth half a dozen of yours, and *that* book you must read over and over, till you almost learn it by heart." Need I say that this charming prescription was "Erskine's Principles of the Law of Scotland!" Many a doze of old Carnock I afterwards had.

My master was very particular in guarding against errors in composition, and used to impress this upon his apprentices, telling

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them that a wrong word might give rise to litigation. But I well remember an instance where he himself was caught. He had a client, a retired jeweller, who lived on the Paisley Road, and had a peculiar *gusto* for litigation. He had seldom less than two "law pleas" on the wing. He was a little fat man, with a belly, wore powder, and a pig-tie. Many consultations the two had. It was a relief when *he* arrived in the back room, for the conference was sure to last an hour, if not more, and the imprisoned apprentice was for the time set at liberty for the rest of that day. Now it happened that "a Memorial," or some other tough paper, carefully drawn, as was thought, had been sent out to this powdered hero for "remarks." These, he thought, would be better made personally; therefore, coming in with haste, puffing and blowing, and accompanied by a bull-dog of forbidding aspect, the pugnacious client opened the back room door, and was about to deliver himself, when Oscar, who usually lay in a corner, seeing the stranger brute, sprang at his throat, and tripped the client, who fell all his length on the floor, upsetting a little table, on which was a quart bottle of ink in reserve, the contents of which refreshed his heated brow, and very considerably altered his complexion. The dog-worrying went on. My master took snuff. What else could he do? But the black-faced client was equal to the difficulty. Suiting the action to the word, he cried in a croaky voice, "Grup *your* dog by the tail, like me, and we'll draw." I having declined being substituted as the puller, the old gentleman boldly tailed Oscar with both hands, and the two drew. The result was impressive. Suddenly the grip loosened, and the two gentlemen, each with a dog by the tail, tumbled backwards on the floor like flounders. The noise brought the whole staff at a gallop from the public office; Oscar was shut up in a press; the client was accommodated with soap and water; and after things had calmed down a little, he exclaimed with a triumphant air, "You've forgotten to put in, the word '*Not*,' and *that* alters the whole sentence." It certainly did, but my master only took a tremendous snuff, and looked the discoverer hard in the face. As lawyers say, he was "held as confessed."

Nothing bothered this veteran Scribe more than disarranging his papers. This was occasionally done, when an apprentice-capture was dreaded, for he could do nothing till the bundle of deeds was restored to order. Indeed, some old parchment would go amissing mysteriously, and not appear for days. On one such occasion he rang for the old woman who cleaned the office, and

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resided in what had been a kitchen, in the far end of the entrance-lobby. Having shut the door, he solemnly asked her whether she had seen, and not burnt, an Instrument of Sasine, proceeding on a Precept of *clare constat* in favour of John, eldest son of the late Peter Barr. The aged dame was dumbfoundered, and declared most fervently that her own name was Barrie, but she never knew any body called Barr, since she came into the flesh. In a few days the Sasine was most unaccountably found in one of his spare old shoes. Yet, with all these, and many more annoyances, a frown never ruffled the benevolent countenance of this worthy old man.

I have said that there were many irregular practitioners. Most of these had not served apprenticeships in Glasgow, and thus were precluded from entering the Faculty. But they contrived to practise, in despite of the penalties in the Faculty Charter, under the wing of some friendly member, and the Fiscal of the Faculty was not ill-natured. One member, indeed, laid himself out for hire to sign pleadings at the moderate fee of one shilling for each paper. He went by the name of "The Brownie." His garments had a singular affinity for grease. Moreover, he patronised to a considerable extent that exhilarating beverage so much recommended by Kirkintilloch people as an antidote to drouth, compounded of small beer and whisky, flavoured with oat meal, and commonly called "Pap-in," the liquor being consumed out of a wooden bicker. It appeared to agree very well with the "Brownie," if an inference might have been deduced from the exuberance of his conversation, the rabbit-like red of his eyes, and the rich purple of his nose.

Many of these irregular practitioners were very clever men, and wrote excellent papers, especially one with a cork leg, which he hauled after him not unlike a soldier at clog-drill. He was professionally known as "The Lame Duck." Others there were, not so highly gifted. Of this latter class was a gentleman of middle age, diminutive stature, trousers too short, and Wellington boots by far too large. He had a favourable opinion of his own looks—who had a better right?—his countenance usually puckered into a self-satisfied smile, while to show that he had still juvenile ideas, he was accustomed when on the street to take a nice little run of about a dozen yards, halt, look at his feet, proceed in slow, mincing steps a few paces, then off at the canter again. It was observed that during the trotting operation the head of this *petit maitre* oscillated to such a degree that it seemed in imminent danger of falling off the neck, bearing in this respect a marvellous

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resemblance to the small shaking-head wax figures carried about for a child's show, and exhibited at corners of the streets. Moreover, the object under contemplation aspired to poetry, and essayed an imitation of Dr. Young, titled, "Night,—a Poem." So far as I know, it did not emerge from the obscurity connected with the subject. These varied peculiarities procured for this little Spoutmouth dandy the *sobriquet* of "Needlety-needlety, nod-nod," *alias* "Night, a Poem," the former in compliment to the motion of his *caput* in the trotting scene; the latter to the choice versification.

But "Needlety" became much more famous as the plaintiff in an action of damages before the Sheriff Court for breach of promise of marriage, against a somewhat elderly lady, with a fortune of about £250, who, he alleged, had jilted him, after receiving many presents, the nature and value of which he condescended upon as showing direct patrimonial loss, independent of mental laceration. He had naturally enough thought, that a few gifts, judiciously selected, and not only delicate in themselves, but tasty, might prove acceptable, and assist him in making a favourable impression. Acting on this sensible conjecture, the pining swain soon found himself considerably out of pocket for sundry expensive luxuries purchased and converted into presents to the fair one; and it is fortunate for all heart-smitten men similarly situated in this and the future ages of the world, that a list of these was preserved and examined in the Sheriff-Clerk's office by many humane and sympathising persons. From this interesting schedule, which was appended to Needlety's "Triplies," it appeared that, among various other things, he had been so extravagant as to send a Dutch cheese, several loops of black puddings, jam, red herrings, and porter, besides ribbons and other whigmaleeries, which people afflicted with love, or, as an old author coldly terms it, "infectious insanity," are apt to bestow on the objects of their adoration. His pleadings in this distressing case were not a little impressive, being seasoned with rage, ornamented with stinging poetical couplets, which ill-natured people might probably have termed spooney; and measured off in sentences constructed not according to Quinctilian, but each nearly as long as a stair-carpet, guiltless of punctuation, orthographically ingenious, and in point of meaning not unfrequently transparent as the atmosphere in a coal mine. Moreover, this deeply injured mortal did not use the conventional terms "Pursuer" and "Defender," but preferred the personal pronouns "he" and "she," with which the pages were as thickly

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studded as the soles of a carter's shoes with nails. Suffice it to say that the lady triumphed, and "Needlety" in anguish lost his appetite, and denounced Cupid as an impostor.

Most of the law business in these bygone times was transacted within a radius of inconsiderable distance from the Cross. Favourite streets for writer's offices were the Saltmarket, head of the Gallowgait, St. Andrew's Street, Prince's Street (formerly Gibson's Wynd), King Street, Trongait, Bell Street, Nelson Street, Wallace Court, and Candleriggs. But more genteel localities were—Brunswick-Place, Hutcheson, Glassford, and Virginia Streets. The farthest west office was in Miller Street, which street was then so little frequented, that grass grew nearly into the middle, and Queen Street had trees in it.

The Sheriff's Chambers were in the centre building of Antigua Place, off Nelson Street, up one stair, and consisted of only two rooms. The Commissary Clerk's office was in Trongait, second close west from the Tontine, second floor. The Town-Clerk's rooms were in the Jail, at the bottom of Saltmarket. They had the advantage of being in the immediate vicinity of the pleasant procedure in the slaughter house, and enjoyed the fragrant atmosphere wafted from thence, and from the region now known as Paddy's Market. Nay, more, men were hanged in front of the Town-Clerk's windows, and the executioner, Mr. Young, who carried the law into practical effect, resided under the same roof.

All the Courts were held in the Jail, or "Temple of Detention," as the Americans finely designate those edifices wherein the liberty of the subject is temporarily bottled up. The preferable route to Court—as the Saltmaket odours were generally not refreshing—was down King Street, then a scene of bustle, with its magisterial beef, mutton, fish, and vegetable markets; across the fragrant Briggait; and with accelerated step through Market Lane, the outer walls of which were hung with a species of tapestry, chiefly composed of resuscitated apparel, to please the eye, invite the selection, and minister to the wants, of the pachydermal sons of Hibernia. *Or*, for a change, the route might be down Stockwell; dive through the picturesque strait of Goosedubs, into and along Briggait—the senses being regaled, among other perfumes, with those arising from the appetite-provoking culinary preparations for the delicate tripe and cow-heel suppers, consumed on the spot both by Procurators and men, under directions of the skilful and jolly *cuisinières*, Veitch and Clark, renowned in Monypliocowheelonian story, so admirably versified by that respected lyrical composer

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and violinist, Blind Alick; the promenade finishing off by a rush through the tapestried alley formerly alluded to, and thence into Court. Cool weather was, however, desirable.

I have spoken of the localities of writers' offices. Only six had front doors; all the rest were in closes, some not particularly free from a certain Edinburgh peculiarity and practice. Many of the stairs leading up to these were very dark, so that it was advisable for an ascending party to give a cough or a loudish groan if he happened to hear the shuffle of a human being coming down, to avoid collision. I knew the case, however, of an elderly Procurator groping in one of these Cimmerian stairs, who was overthrown by a distracted cat whisking through his legs and tripping him, whereby he not only lost his hat for a time, but sustained considerable damage, *en derrière*.

But if the approach to some of the offices was forbidding their interior was often rather interesting. Cleaning the windows was out of the question. In fact, dust was business-like, and is an important element in law, *ergo*, it was seldom disturbed. The desks were of a class peculiarly droll. What *has* become of them? I remember having occasion to call at an office in Prince's Street, up stairs, where a somewhere sudden stroke of business had descended, and I observed a very ingenious and economical method of impressment for an additional desk in the emergency. It was a bake board for oat-cakes, inverted on the bunker, and the young gentlemen who wrote thereon had seemingly a comfortable seat on the end of an empty small-beer keg. It was the master, however, whom I wished to speak with, and I found him in a room with a bed, off the clerk's office, very busy, and evidently warm with his subject, for he was writing without his coat. A pot was on the fire, the lid resting on that useful rotating instrument when in action, called a spurtle, placed transversely, and judging from the bubbling sound therein, and the odour of onions, it seemed probable that a repast was in preparation for the legal family. In another office at the head of the Gallowgait, the Procurator appeared to have a *penchant* for ornithology. This he indulged in to an innocent extent, inasmuch as two respectable canaries were in cages suspended from the roof, which sang with much fervour; while in a third cage, on the top of a chest of very odd-looking drawers, was a penitent-looking young blackbird, seemingly gorged from a semi-liquid preparation, reserved in the fragment of a nondescript vessel, a small horn-spoon resting in the aforesaid fragment, for the convenience of feeding the incipient songster.

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At the present day there is not a single writer's office in the old town of Glasgow. Two or three, however, still linger in what was once the new town, built more than seventy years ago. But, with these exceptions, the legal fraternity have flown to the far west, and close-offices are now, I believe, rather exceptional.

In most, if not all of these old offices, the clerks wore sleeves, of buff, green, or black serge, like grocers' shopmen, to save their coats.

The dress of scribes, in common with that of the rest of the community, has undergone a great change; perhaps I should call it an improvement. In the days I speak of, few wore black coats except when in mourning or at funerals. The colours of dress exceeded those of the rainbow. Coats were of blue, claret, green, brown, grey, mixed, &c.; waiscoats very showy; inexpressibles generally drab, blue, or grey. If to the knee only, then either top-boots, leggings worn tight or loose, or, lastly, brightly polished Hessians with knee-tassels; but if pantaloons, these were fastened by ribands round the ankles, and the finish was white stockings, and shoes with black silk ties. Not unfrequently in summer a white beaver was worn, the wings turned up with pea-green; chamois leather gloves; and a cane, of course. But the adornment of the outer man was incomplete without a bunch of huge seals suspended from a longish chain, thick enough to restrain a young terrier. In walking, these appendages swung backwards and forwards like the pendulum of a clock; and when two persons thus respectively equipped met, and were talking, they found the bunch of seals very handy to play with and jingle among their fingers, by way, probably, of helping dearth in conversational matter.

In short, every one just dressed according to his fancy; there was no ruling fashion either for colour or cut, except, probably, desperate short waists, and very deep collars, which came no farther forward, however, than the back of the ear. Certainly, some of the selections, as well as the contrasts of hues on the same person, evinced no small degree of originality and fine taste. For instance, the Commissary-Clerk, an old procurator of 1772, wore a light grey coat, with large silverised buttons and tremendous outside pocket-flaps, hotch-potch coloured vest, left partially open to reveal the edges of an under one of scarlet, and the display of a squall of ruffles; white neckcloth, rolled round a very thick stuff-stock, worn loose, with the long ends coquetting with the breast ruffles; bright yellow buckskin breeches, and top-boots; his pate profusely powdered, and the back hairs gathered into a thin pig-tail,

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secured near the point by a bit of black silk riband. I may as well here say that this venerable official was accustomed to be shaved in his Trongait office, by a barber, for one penny, during which the grey coat was thrown aside for a dressing-gown, queer in cut and pattern, so that, if any one happened to call sharp after ten o'clock forenoon, as I have had occasion to do, he had the privilege of witnessing the Commissary-Clerk's wrinkled visage undergoing the saponaceous operation, the small, grey, feline-like eyes, at sametime, warning the caller, with an indescribable look, to pause a minute till he could speak, which he very soon did in a shrill, querulous tone. To add to the effect produced by such a call, his clerk, also elderly, and a procurator of 1796, was a hunchback, with remarkably long legs, like a spider's, his head lying sideways on his neck, and a charming drake-like voice. This gentleman's attire was a mixed coloured coat, drab knee-breeches, his spindleshanks encased, according to the season, either in white cotton or white worsted stockings, and square toed shoes; moreover, when walking abroad, he did not wear gloves, but had his long-fingered, shrivelled hands deep in his breeches' pockets These two ancient procurators sat opposite each other, and often quarrelled on "points," for both were rather irascible, and neither could be convinced; but as the one could not well do without the other, these squalls, after a little wordy and fierce expectoration, spiced with a variety of choice juramentary interjections and expletives, gradually subdued into grim smiles, and a snuff. Both died soon after I joined the profession; but I received such impressions that I have not forgotten either the persons or the scenes which I was privileged, on more occasions than one, to witness between them.

The method of pleading was peculiar. The great rule was not to show your hand, but like a game at whist, try to discover and draw out that of the opponent—deal in generalities, and admit nothing. It was by no means always necessary to study logical arrangement. Just relieve the mind of the ideas as these bolted into it. What could be more mentally wholesome? It was Nature unfettered by Art. The facts could rarely be got at till after an almost interminable set of papers preliminary to the proof. Thus, there were the Summons, as vague and general as possible, like the John Doe and Richard Roe of England; defences equally mystified, replies, duplies, triplies, quadruplies, and sometimes as far as Nonoplies, memorials, minutes, objections, reclaiming petitions, answers, &c., all well seasoned with pungent sarcasm,

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withering insinuations, cutting reflections, fanciful illustrations, and confident expectations of justice. So bitter sometimes were the reflections, that the amiable Assesor in the burgh Court not unfrequently ordered the offensive passages to be expunged on both sides under a penalty. This mode of pleading has long since been abolished, under the operation of the Judicature Act and otherwise; but, as a thing of the past, it affords some queerish points of contrast at the present day.

There was no resident Sheriff-Principal. One Substitute did all the business that came before him. He had been a Writer to the Signet in moderate practice, but afterwards paymaster in a militia regiment. This gentleman was thin and elderly, with watery, cod-like eyes, and a longish, bulby, purple-tipped nose. His usual attire consisted of a blue coat with brass buttons, dark-blue corded pantaloons, tied round the ankles with dark ribands, white stockings, shoes, and very often a long greatcoat of bottle-green, worn open, the tails of which streamed and spread out behind when walking against the wind, not unlike a female pea-fowl preparing for flight. The outside pockets were often stuffed with papers, it was said "summary processes," in a hurry, which he was taking home to consider. He spoke as if a small bit had been lopped off his tongue.

The Sheriff Court was not popular. Few went there unless they could not help it, from want of jurisdiction in the others. The favourite was the Burgh Court, under the direction of Mr. Reddie, one of the ablest lawyers in Scotland—the pink of honour—and whose memory must ever be cherished with respect. An excellent likeness of this most worthy man, sculptured in marble, adorns the Faculty Library, and was so placed by the Faculty to commemorate one whom the members so highly esteemed. What a change now! The Burgh Court exists only in name, whereas the business before the Sheriff Court is so enormous as to tax the whole energies of one resident Principal-Sheriff and four Substitutes, all of great legal talents. *

* Those who wish to become better acquainted with the peculiar manner in which the business of the Sheriff Court at Glasgow, in olden time, was carried on, and the equally remarkable character of the decisions, will find instruction in the printed Papers of the curious case before the First Division of the Court of Session, at the instance of the Faculty of Procurators, for removal of the then Sheriff-Substitute, on the ground of incapacity. It was decided 6th June, 1816. The Faculty was defeated, chiefly on a point of form. In an appendix, 48 Sheriff Court cases were picked out from the mass, and submitted, with running commentaries thereon, to their Lordships, in support of the Faculty.

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One mode of settling legal disputes prevailed much in former times, but it is now comparatively seldom resorted to. I mean arbitration. "Submissions," to Mr. Reddie, or to Professor Davidson, of the Law Chair in the University, met with much acceptance in the community. Not unfrequently, too, an eminent merchant was associated with them, whose knowledge of mercantile usage tended much to assist in the disposal of commercial questions, at a time when that branch of jurisprudence was in a very unsettled state in Scotland. A large proportion of the Glasgow disputes of importance was made the subject of arbitration to these two eminent lawyers. The written pleadings before them was characterized by much less of that unbecoming and irrelevant invective which so often stained the pages of the local Court papers.

The Order of Procurators or Pleaders in Glasgow is ancient, reaching back probably to a very early period in the history of the See; but much obscurity exists on the subject, partly from the abstraction of the Ecclesiastical Records by Archbishop Beaton at the Reformation, and partly in consequence of the comparatively recent date of the oldest documents possessed by the Faculty itself, which do not commence earlier than 1668, in the reign of Charles II. These last throw no light whatever on the antiquity

plea. One or two of these may be shortly noticed. In one case no less than 30 Interlocuitors were pronounced on one particular point; and after the suit had lasted five years, the Sheriff-Depute, on appeal, ordered 21 pleadings to be withdrawn, as incompetent, and fined both of the Procurators. In another case, a canary and its cage had been stolen by two enterprizing barbers, who, inhumanly, twisted the bird's neck. The owner sued for the value of the dead bird, and the cage; whereupon the cage was lodged with the Clerk of Court. The Pursuer and Defenders were quite agreed that the canary had departed this life; nevertheless, the Sheriff-Substitute ordained both the cage and the bird to be immediately restored, under certification, and refused a reclaiming Petition! The Sheriff-Depute, however, allowed a proof of the value of the lamented warbler. In a third case, a dead woman was held as confessed, instead of her daughter Susan, for not appearing to undergo a judicial examination. A fourth case was that of multiplepoinding, where the fund was £30. A modest man claimed £3. But the Substitute first of all decerned him to pay the £30, to the raiser of the action, who already had the money, and wished to get quit of it. On a reclaiming Petition, however, the Substitute generously gave decree to this amazed mortal for the whole £30, contrary to the man's own express desire, being ten times more than he wanted, but the Judge found no expenses due.

Had Lord Kames been alive, who can doubt that he would have regarded these Glasgow cases as rubbing shoulders with the best in his collection of "Remarkable Decisions." Yea, even Disraeli might have sniffed at them when concocting his "Curiosities of Literature."

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of the Body. It is known, however, that pleaders did exist in Glasgow at least as early as the 15th century, when Bishop Cameron, the most munificent of all the Glasgow prelates, instituted the Commissary Court, with a "staff of clerks," who were, no doubt, practitioners before that ecclesiastical tribunal, and selected from the acute and industrious monkish notaries. These cowled scribes were well versed in the laws, and capable of giving legal advice to, and assisting, disputants before the Courts, at a time when learning was confined to the various classes of churchmen. There would, doubtless, be a Matriculation book or Roll of these "clerks" or pleaders in the archives of the See. Cameron was Bishop of Glasgow from 1426 till 1446, so that an antiquity of at least 400 years may safely be claimed for the procurators. But the presumption is, that they were much more ancient; for wherever laws existed there necessarily must have been interpreters, thus giving rise to a distinct order of men who made law their profession, and became advisers and pleaders for those who could not grapple with its intricacies, or speak to the Judge for themselves.

I have said that the oldest Faculty record is dated in 1668. At that time there were 29 members of Faculty, and 15 "Prentices and servandis." The names of all these appear. The Commissary was "Sir William Fleming of Ferm, Knight and Baronet." He seems to have found these ancient procurators rather boisterous and talkative, besides indulging too much in strong imagery. Very properly, therefore, he essayed reform, and with this view framed rules. These were titled "Injunctions for the Prors. and their Men, for Regulating the Hous." Here are some examples:—

Everie Pror. wha reflectis ane against anither by word or writt, and saying yea ar impertinent, to pay to the box before he be heard ... 0 12 0
Everie ane wha interrupts their Brither in pleading whill he have done, and the persewer to begin, then the defender, ... 0 6 0
That nather Pror. nor servand be clatering within the Bar, under the paine of 0 2 0
That no man swear or bane [curse] within the Court, under the paine of 0 6 0
That everie Pror. be silent after the Commissers command, under the paine of 0 6 0

Moreover, the Faculty employed a Celtic female to carry, on her dorsal region, "the Box," to and from Court. Thus, in the treasurer's account of "depursements," the following items occur:—

30 May, 1669. To Highland Mary for carrying the box about ane year to the Toune Court dayly, ... 00 06 08
1 Jany., 1700. To Highland Mary for carrying the baron Court box dayly to the Court a long year, ... 00 07 00

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Considering that these items are in Scots money, it does not appear that the remuneration to this lady was extravagant—one year's salary having been about sevenpence sterling. How the Faculty came to employ this fair daughter of Eve as their ordinary forensic porter, instead of a male biped, has not been recorded. In fact, not one scrap of her history has been preserved, not even her surname or domicile. This is unfortunate; for the Faculty of the present day would no doubt have been naturally enough desirous to have known a few particulars regarding Mary; for instance, if she a had retreating forehead; was speckled with small-pox, or squinted; if the hair was fiery, and innocent of the barber's craft; whether when going to and from the Court she patronised a head-dress of any kind, shoes and stockings, or merely the latter deducting the soles. Such information would have been valuable, but as it is now steeped in the dark waters of Lethe, the Faculty must not break their hearts about it. Since, therefore, facts are awanting, perhaps the Darwinian theory might be tugged at, and a question fairly propounded, whether this singular creature may not have been a species of improved mermaid, attracted from her houff in Loch Snizort or Corryvreckan, by the fame of the pickled herrings, or "Glasgow magistrates," for which this city has long been celebrated? The Faculty might do worse than invite a prize essay on the whole subject, to be competed for by young gentlemen fresh from the logic class, where the art of reasoning is taught, and students become acquainted with the mental discipline instituted by Zeno, and improved by Aristotle.

The Glasgow procurators now wear gowns when pleading. This, I presume, is intended in revival of an Act of the Faculty dated so far back as 20th June, 1736, which was many years obsolete. The old gowns, however, were not black but scarlet. I was informed by a procurator of 1796 that in his early days the members when attending Court wore red *togas*, like those of the College students, and that each procurator had a small elongated ink-bottle suspended by a string from a button-hole at his breast, in which bottle was a feathered stumpy pen for taking notes. When anyone ran short of ink he just dipped, with brotherly ease, into his neighbour's bottle. As the pens were generally pretty well soaked, and the feathered tops not much better, it not unfrequently happened that the procurator in making his dip took too much, so that the surplus fell upon and mottled his inflammatory-coloured robe in a very becoming manner. Another effect from the drunken quill was that the sombre fluid infected the fingers

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and knuckles of the dipper, and as a natural consequence, when he had occasion to scare a fly from his nose, or otherwise bring his fingers into contact with his visage, sundry darkish impressions were left on his brow, cheeks, and the caverns of his eyes, not unlike those arising from personal conflict with a Hibernian in the lower portions of the city, or the tatooing practised by the natives of Polynesia. This might probably not improve the procurator's appearance. But what of that? He was above such trifles, and perhaps could say that although he had not actually washed in, yet he had drank deeply from, the cold, if not clear fountains of Law, welling out in the delectable pages of Heineccius, "Maister Jhonne Skeene," Sir Thomas Craig, old Dallas, Balfour, Hope, Sir George Mackenzie (founder of the Advocates' Library), Dirleton —the Prince of Doubters—(a disease with which lawyers are very much afflicted), Lords Stair and Bankton (both too little appreciated)—the posthumous Institutes of Erskine probably not having then been published. It is only justice to those eminent authors to say, that all or any of their antique volumes are extremely well calculated to produce, not only good fits of abstraction, but a succession of nice, comfortable law headaches.

The Faculty has now an extensive library, numbering about 10,000 volumes, in legal and general literature. This admirable collection is placed in an elegant hall, erected on purpose, and is under the care of an intelligent and courteous librarian—himself a procurator. A very different state of things prevailed when I first remember the library. The books, then not nearly so numerous, were kept in wall-presses in the Lyceum Sale Rooms, Nelson Street, up one stair, entering by a dark and not over-cleanly arch-way, beside the shabby little Post Office. The librarian was a printer, whose printing office was in "the land" behind. The door of the Lyceum was not always open, so that if a book was wanted out, it became necessary to tirl at the printer's and get hold of the man. I think I see him. He was tall, lean, wild-looking, and theatrical, with a profusion of hair in admired disorder, and his face not unfrequently in urgent need of soap. He wore a very long, swallow-tailed, short-waisted, pea-green coat, with a heavy collar, and adorned with brass buttons, so that when he walked, which he usually did with a theatrical air, the tails of his verdant garment swerved and twisted like the movements of a serpent, while the heavy buttons on the nether portion tinkled nearly as audibly as the little hand-bells in the back room of a tart shop. Dark blue corded pantaloons tied tightly round the ankles, grey

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stockings, and loosely-fitting, broad, shuffling shoes completed the aspect of this remarkable Faculty librarian's outward tabernacle.

When he knew, after the tirl, what was wanted, he retreated with a resigned step to his *sanctum* for the Lyceum key, which having found, he first blew into the pipe to dislodge impurities, or what lawyers wonld term "extraneous matter," the Lyceum door slowly creaked, and entrance to the library was gained. But the book wanted was not always got in a hurry. It frequently became necessary to *discover* its precise whereabouts—the principle of classification not having been apparently carried to excess. The tall press doors were opened *seriatim*, and considerable dumfounderment prevailed ere the volume was forthcoming, especially if it happened to be one not much inquired for. A receipt was given, sometimes on a loose scrap of paper (which we were told always to eschew, in case it might be lost), or in a sort of book composed of a few sheets of foolscap stitched together, under a grey paper cover—the exterior, as well as the inside, being much afflicted with blots and snuff drops.

This interesting gentleman owed his appointment, to the founder of one of the chief law firms now in Glasgow, whose solitary clerk the future librarian was, in an office three stairs up in Trongait. So great were his abilities that I have been credibly informed he could transcribe four pages of foolscap in a day, besides going messages. I forget what led to the change, but both the printer and the Lyceum ceased to have connection with the Faculty Library a few years after my first remembrance of either. The library was removed to a spacious flat in "Spreull's Land," Trongait, the books were fumigated, properly arranged, and a procurator of 1795 appointed custodier. This new librarian had the collection quite under his command, was a great reader, and sat constantly in the library, so that tirling was no longer necessary. He dressed more quietly than his predecessor, having been attired in a queerly-cut, snuff-brown coat, drab knee-breeches, white worsted stockings, and on the whole might have passed for one of the cleanly Society of Friends. The library was subsequently transferred to the Bank of Scotland's buildings, west side of South John Street, first floor, where it remained till finally placed where it now is in the Faculty's own property, West George Street.

I am not quite done, however, with the once famed Lyceum. Though now little known, it was many years the chief place patronised by the Faculty for the sales of heritable property. No doubt a number of the common auction rooms in Trongait and Argyll

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Street shared this patronage. But the Lyceum took the lead. It was customary, in almost every case, to proclaim the sale, as "going on," by a street porter bawling the particulars over the window. The effect was often very fine. Fancy one of these bearers of burdens, with his ropes coiled about him, and "a shocking bad hat," suddenly opening one of the Lyceum windows, and roaring out at the top of his voice a description in his own way, from a doubled-up greasy newspaper, perhaps the *Chronicle*, then much patronised by writers, many of whom were shareholders, something in the following style:—

"To be sauld by pooblick roop, in the Lyceum Rooms, this day —All and haill the sax shilling and aught penny laund of auld extent, of Mooliebraes, inclooding that Jaw of laund, discontigue, commonly callit Purdie's Acre, ayont the Pookithide burn, and richt to cast peats in the moss, and divots in the muir, of Puddockhole, huffeerin thereunto; with tofts, crofts, infield, outfield, annexis, connexis, pairts, pendicles, and pertinents thereof, all in the parish of Gowkside, and shair of Lanerick, as the same was mony years possessit by umquhile Walter Jaap, but now respecteevie, by William Gilhagie and Tummas M'Skunner. Rabbits, paitricks, muirfools, wild-deuks, and ither beasts frequent these launds, and inveet sport. Apply to M'Quirk, Lee & Grabbie, Vriters, Black Boy Close, wha hiss the teetle-deeds.—Sa-i-l going on." Then down went the Lyceum window for a minute.

But, perhaps, two or more "Sails" were proceeding at the same time and place. Then confusion became more confounded, and it required all the talent of that wonderful animal, "a discerning public," to understand *what* really *was* "going on."

Not unfrequently the respected librarian was declared "Judge of the Roup," an honour which did not cost him much anxiety.

Another thing of the past, was the mysterious ceremony of infeftment. Perhaps it is worth while, for the sake of the uninitiated, to recall shortly, some particulars of that ancient, charming rigmarole. We shall suppose that the fine property before referred to had been sold, probably to some extent in consequence of the eloquent exertions from the Lyceum windows, and that the purchaser wished to be invested in the lands. How was this accomplished? Suddenly five human beings appeared in one of the fields, the leader and sole spokesman being a notary. Two of the band were his clerks, or at least could sign their names. The remaining two were *anything*, generally captured in the vicinity by the notary, only a few minutes previously, and of whom

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he knew nothing whatever. They might have been, and frequently were, whinstone-nappers on the highway, ditchers, packmen, cadgers, weavers, cobblers, herds, colliers, carters, rat-catchers, dog-breakers, sweeps—in fact anything except, perhaps, an idiot, although, on reflection, it might have been a "nice point" whether even *he* would not also have been admissible at a pinch. Women, however, were always, and Irishmen generally, excluded; at least Paddy was tolerated in those days, prior to the Roman Catholic Emancipation Act, only in cases of desperation. The notary then, to the amazement of the parties, proceeded to dub, we shall say, a cadger, with the title of "procurator and attorney," and a ditcher with that of "bailie." These temporary illustrious mortals naturally simpered at the unexpected distinction. The notary next, with a pleased air, pulled from a gaping outside coat-pocket, with flaps as broad as the ears of an elephant, a thickish paper, which he caused the cadger to shuffle to the ditcher, for a moment, uttering at same time some words, to them perfectly unintelligible; then, snatching the paper from the ditcher, *alias* the bailie, the notary began to tell in a general way what it was, and, especially, that it contained in the tail of it a "precept of sasine," a thing these worthy men had never before heard of in this world. Next he proceeded to mumble over "the precept" very fast. This was to make the matter intelligible to these two titled individuals; but he might as well have read from the Epodes of Horace, or, if he could, from a German play. Nevertheless, this galloping reading being ended, the notary wildly requested the ditcher, "*qua* bailie," to lift a handful of earth, with as many small stones in it as he could get, and to tear up another handful of grass and stubble; which two handfuls the ditcher was implored to present to the cadger, *alias* "the procurator and attorney." The latter gentleman most affectionately received the dirt, the stones, the grass, and the stubble into his half-closed palms. If the day was wettish, of course the paws of both the "bailie" and the "procurator and attorney" had a nice cleanly appearance. They were informed by the notary that these things were "symbols;" a description which must have struck the illustrious personages as a mistake, and very different from the Turkish musical instrument clashed with so much vehemence and effect by the negro in a regimental band, or by a painted performer in front of Polito's menagerie at Glasgow Fair. Be that as it may, the cadger, who had been earnestly looking at the valuable contents in his hands, was requested to throw them down. Suddenly the notary put a

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shilling into the cadger's hand, which the latter was in the act, most promptly and naturally, of burying in the recesses of his own corduroys, when the notary wildly snatched it from him, and coolly replaced it in his own pocket, saying, with a grim smile, that he was "taking instruments," the mortified cadger gulping down his disappointment with as much apparent relish as a thirsty donkey swallowing a handful of hard unchewed beans. Lastly, the notary, with great solemnity, implored the hitherto inactive pair of clerks to bear well in their memories all these interesting circumstances; the ditcher and the cadger received each a shilling for their pains; and the notary bid them good-day. Their honours dropped from them before they got out of the field. This was called "passing an infeftment." But it was not all. What the ditcher and the cadger had done so well was far too important to be put in peril of being lost to the world, by the perhaps treacherous memories, or deaths of the two witnesses. No, *that* would never have done. It was very true that neither the ditcher nor the cadger had spoken one single word from the beginning to the end of "the ceremony." But that was of no consequence, for as the notary had had all the talk to himself on the field, he could easily, by a stretch of imagination, after he had left it, tell a story of what these passive, unsophisticated, silent men *did* and *said*. This he proceeded to do whenever he got home. A long additional paper was therefore written out in the notary's office, which began by a solemn invocation of the Deity, and went on most minutely to narrate everything that had been done on the eventful day in question by the ditcher, the cadger, and the notary. Not only so, but ordinary paper was not thought good enough for this most solemn and affecting narrative. Paper might tear, or get worn, and was therefore out of the question. Sheets of tough parchment, with blue and silverised Royal stamps, were employed, and nothing else. The history of the Mooliebraes operations, above referred to, was carefully transcribed on this parchment from "a scroll" which had been drawn up with many scorings, marginal notes, interlineations, blots, snuff-drops, and other manifestations of uneasiness and mental distress, lest by possibility any of the remarkable doings and sayings on that never-to-be-forgotten day should have been incorrectly narrated or omitted. Each page of the beautifully transcribed parchment was signed by the notary himself, as the teller of the story, and by the two witnesses, in confirmation of the truth of all he had written. Originally this remarkable production was in Latin, but it degenerated into sober

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English; still a touch of the dead language was thought advisable, and therefore a certificate, in bastard monkish Latin, was written by the notary in his own hand at the end, wherein he with much solemnity declared his name, the diocese he belonged to—that he had actually seen, heard, and known everything that had taken place, as recorded in the parchment writing, with some other particulars too tedious to be further bothered with, crowning the whole with a Latin motto and his final signature. This wonderfully instructive and learned production was professionally called "an instrument of sasine;" other people may give it any name they please. But this was not yet all. It was necessary that the whole world should have the opportunity of knowing and reading what had been done at Mooliebraes; and besides, the "Sasine" containing the valuable story might be burned or stolen. How was this to be provided for? The "Instrument" was lent for a short time to another legal official, who kept a register for the express purpose of copying into his books all such documents; charging, as was most natural, a considerable fee for so doing, and returning the "sasine," in about a month, to its anxious legal father, with a certificate thereon that it was actually recorded in the register, under the authority of an old Act of the Scotch Parliament. A veil must be drawn over the total expense, to spare the maiden-like blushes of the notary. Behold, then, the purchaser of Mooliebraes legally invested in these charming lands.

Sometimes, however, the notary was rather disconcerted on the field. For instance, on one occasion a very staid old gentleman, whom I well remember, had got the length of dubbing a cobbler a bailie, when the wife of the latter, who had been watching the party through the hedge, rushed through a slap, and taking hold of her husband by the cuff of the neck, fairly drove him before her into his house, using somewhat strong language to the solemn-looking notary for taking the cobbler off his work, and to the cobbler himself for his consummate folly in palavering with a gauger. The notary took a tremendously long snuff, and merely remarked, with a melancholy air, that the captive appeared to have a very imperfect knowledge of the "*jus mariti.*"

On another occasion the same notary was in the midst of "the infeftment," when a bull at the upper end of the field ran down towards the party. Being well aware of the nature and effect of a charge of horning, the lawyer deemed it advisable to take to his heels; but while thus exerting himself to the utmost, he un-

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fortunately slid on an obstacle and fell. *Taurus* rushed past him —the attention of the brute having been more particularly directed to, and his ire excited by, the incipient bailie, whose pate was crowned by a red Kilmarnock nightcap. Suffice it to say, no bones were fractured, and the infeftment went on, in another park, after the notary had undergone some personal purification from a neighbouring stream, with the friendly aid of certain broad-leafed herbage, which grew luxuriantly in the ill-fated locality.

I need scarcely add, that it must strike every sensible person as a tremendous pity that such a venerable memorial from the monkish times as I have attempted to describe, should have been ruthlessly swept away by recent Acts of Parliament, and that cadgers, ditchers, and others of that grade, have no longer the chance of being elevated for five minutes to a bailieship or a procuratorship. But we live, alas, in an age of reform, which declines to weep over things of the past.

Having alluded to the class of lawyers of the Notarial Order, I may say a few words regarding them, as distinguished from the Procurators. These two Bodies are quite distinct. Strictly speaking, notaries are Conveyancers, and exercise certain other ministerial functions which procurators cannot, such as protesting bills, subscribing deeds, &c., for persons who cannot write, attesting various acts of solemnity and importance, whereof an authentic record is necessary to be preserved, &c. The range of their official powers extends over the whole of Scotland, and in this respect is more comprehensive than that of the procurators, who are simply pleaders before certain Courts. The Order of notaries is very ancient. It was well known in old Rome. Indeed, notaries formed part of the legal staff during the Roman occupation of this island, and are expressly mentioned in the "*Notitia Imperii*," that curious and most interesting record, which fortunately has come down to us, of the civil as well as the military establishment of the Romans in this country, drawn up in the reign of Honorius, shortly before they withdrew, in the early part of the fifth century. Nay, the name of one of these ancient Romano-British notaries, 1700 years ago, has been preserved; for a Roman lapidary inscription has been discovered in England, from which we learn that it was set up in honour of Marcus Pontius, Notary to Hadrian, and who came over from Germany to Britain with that warlike Emperor, in the train of the VI. Legion, whose head-quarters were at York.

In Scotland notaries were probably cœval with the introduc-

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tion of the civil and the canon laws. In Roman Catholic times they were Churchmen, generally monks, and appointed by the Pope. But since the Reformation the Scottish notary receives his Commission direct from the Crown, through the Lords of Council and Session, who remit the applicant to a Board of Writers to the Signet for examination as to his education, knowledge of the law, and otherwise, and pass him if found properly qualified. In practice most procurators are also notaries. In that case they hold two separate Commissions, viz., one from the Sheriff, or other legal authority, in the particular district in which they practise as pleaders; the other Royal, in the character of notaries-public.

In a previous part of these Recollections I have stated that before an apprentice could be admitted a member of the Glasgow Faculty of Procurators, it was necessary that he should also have been at least one year a clerk with a member here, or with a Writer to the Signet, to see Edinburgh practice. In my case I complied with both. I introduce this, because it gives the opportunity of remarking on the havoc which the grim tyrant has made in the ranks of the legal profession in Edinburgh since I was in the office of a Writer to the Signet there. Well do I remember all the old Lords of Session, for I saw and heard them deliver their speeches almost every day. In the First Division of the Court Lord President Hope occupied the chair in the centre, with his deep bass voice and lofty manner. On his right was seated Lord Succoth, and on his left Lord Hermand, both well known in Glasgow as "the hanging Lords," from their severity at the Circuits. Next Succoth sat that fine old Judge and general favourite, Lord Balgray; and next to sputtering, fuming Hermand, was the grave and highly talented Lord Gillies, brother to the historian of Greece. At the large table under the Bench in the Old Court House, Sir Walter Scott, Sir Robert Dundas of Beechwood, and Mr. Robert Hamilton appeared as Principal Clerks of Session, with their assistants. Many times have I scanned the features of Sir Walter as he sat at that old-fashioned table, with its row of brass-headed nails, and cover of faded green cloth. He was very frequently scribbling on bits of paper, and sometimes a smile would steal over his countenance, or a deeper impression cause him to put both hands on his face to screen cacchination. Probably something ludicrous had suddenly started into his thoughts, too good to be allowed to slip without noting. He had not then avowed the authorship of "Waverley," though shrewdly suspected.

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Then, in the Second Division of the Court, the noble-looking, but too talkative and imperious Lord Justice-Clerk Boyle, occupied the centre chair. On his left hand sat Lord Craigie, with face large, round, and solemn, like the moon, and who, in delivering his opinion, impressively shook his head. Generally he had very little to say, and the shaking may have relieved him. On the Justice-Clerk's right was Sir William Miller (Lord Glenlee), an excellent Judge. He had a peculiar way, while the other Lords were speaking, of sliding his body downwards, so that little more than his head could be seen, and then he hitched himself up again, boring his thumbs into his eyes and moving his head from side to side. But when his turn came to speak the sentiments were clear and able. Next Craigie was Lord Pitmilly, of much talent. He reminded me always of an old maid rouged, he was so pretty. On Glenlee's right was Lord Robertson, son of the historian. He was aged and deaf, using an ear trumpet, but of much ability. He spoke last, and when the Justice-Clerk courteously invited him to express his opinion, with the words, "My Lord Robertson," the old Judge's wrinkled face lighted up, and, in spite of defects in his teeth, expressed himself fluently and admirably. I had a great fancy for him and for Lords Balgray and Glenlee.*

* 1. William Lord Robertson was born in 1754, admitted to the Bar in 1775, raised to the Bench in 1805, and died 20th November, 1835, aged 81.

2. David Williamson (Lord Balgray), son of Alexander Williamson, Esq., passed Advocate in 1788; appointed Principal Sheriff of Stirling and Clackmannan Shires in 1797; elevated to the Bench in 1811, and died 3rd February, 1837. He always spoke in "genteel Scotch," the last of the old Judges who did so. He resided in George Square.

3. Sir William Miller, Baronet (Lord Glenlee), born 1755, was the son of Sir Thomas Miller, Bart., Lord President in 1788, who, in the earlier part of his career (1755), was elected Joint Principal Town-Clerk of Glasgow. Lord Glenlee's mother was a daughter of the once well-known Provost John Murdoch, of this City, one the old "Virginia Dons," whose town residence was the fine edifice in Argyll Street, corner of Dunlop Street, built by him in 1750, long afterwards familiar to the citizens as "The Buck's Head Hotel," and demolished in 1863. Lord Glenlee was named after his grandfather, William Miller, Writer to the Signet, who was Commissary of Glasgow in M'Ure's time, and is spoken of in commendation by that queer old chronicler. He was also Principal Town-Clerk here in 1748. I have examined, in the charter chest of an old Glasgow family, a conveyance of property in Gallowgait, written by the future Lord President, when he was an apprentice to his father, at the age of 19. It is in a neat, distinct hand. Both he and his father subscribed as witnesses. This interesting old deed is dated 22nd April, 1736, the same year in which M'Ure published his history 131 years ago. Glenlee

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In the Outer House were Lords Alloway, Meadowbank, and Eldin (the celebrated John Clerk),† Cringletie, and Mackenzie, the latter, son of the author of "The Man of Feeling," all good Judges.

The whole of these fifteen Lords are long ago dead. So, I believe, are all the Principal Clerks of Session, and other Court officials, even to the macers, whose faces were familiar to me. It is a remarkable fact that none of the present Judges, except two, had then been admitted to the Bar, and even these two were almost unknown in practice. One of the subsequent Lords was in a writer's office in Glasgow, and attended Professor Davidson's law class in Glasgow College at the same time that I did. Another, from the North, joined our office in Edinburgh as a young law

was admitted to the bar in 1777, raised to the bench in 1795, retired in 1841, and died 9th May, 1846, aged nearly 91. While his Lordship was a Judge he resided (in winter) in old-fashioned Brown's Square. It had been the custom of the old Lords to walk to Court in full dress, wearing their wigs highly powdered, and each carrying in his hand a small cocked-hat. Lord Glenlee was the last who did so. Every morning during Session he walked from Brown Square, down one of the closes, across the Cowgate, and up "the back stairs," to Parliament Square. Many times have I met this fine old Lord, attired as above, with the little cocked-hat in his hand, going to Court just as he emerged from "the stairs." People raised their hats in token of respect, a courtesy which his Lordship acknowledged with grace peculiarly his own. He was a universal favourite. His second son, and namesake, Lieut.-Colonel William Miller, commanded the first Regiment of Foot Guards at *Les Quatre Bras*, where he was mortally wounded, at the age of 31. At the Colonel's request the colours of the regiment were waved over him before he died, and he rests in the cemetery at Brussels, where a monument records the military and social virtues of this worthy son of a worthy father.

† While Lord Eldin was "Ordinary on the Bills," I had occasion repeatedly to have interviews with his Lordship, on business from our office, in his residence in Picardy Place, when the Court was not sitting; and I shall not easily forget his singular appearance, in *deshabille*, seated in a huge old-fashioned, leather-covered arm chair, his lame leg resting on a minor chair with an infirm back, his massive large-eyed silver spectacles thrown up on his brow, thus giving a better view of one of the most *outre* countenances perhaps in Edinburgh; while a large black cat was either purring on his knee or perched on the top of his chair, his Lordship's predilections for the feline tribe being well known. His clerk, Mr H., an elderly man, was almost as queer as himself, with reddish eyes,' like those of a white rabbit. While his Lordship was perusing the paper which I had presented, I had leisure to survey the apartment occupied by this able but eccentric Judge; and certainly the term "Museum," employed by the witty Cockburn, when alluding to this very room, in his "Life of Jeffrey," never was more happily applied, where everything was rare and droll in no ordinary degree.

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student. Both acquired justly earned celebrity as jurists, and in literature.

Nearly the same havoc by death among the old Lords has attended the counsel of that day. What an array of talent then graced the Bar! The Lord-Advocate was Sir William Rae of St. Catherine's, Bart., no great speaker, bnt whose name was long well known and dreaded by culprits at the Glasgow Circuits, as the public prosecutor who charged them with their misdeeds in the then long-winded indictments. As he sat with his highly-powdered full wig, silk gown, Court dress, and long white official cravat down his breast nearly to the waist, within the bar of the Court of Session, to distinguish him as the representative of the King from the rest of the Faculty, his face always reminded me of that of an old lion, half asleep, wanting the teeth. The Solicitor-General, who, when disengaged, sat facing the Lord-Advocate, was Mr. Hope, similarly dressed. The Dean of Faculty was the highly accomplished Mr. Cranston, afterwards Lord Corehouse, one of the finest and most effective forensic speakers. In the front ranks were George Joseph Bell (Professor of Scots Law, and then in large practice), Forsyth, Walker-Baird, Greenshields, Thomas Thomson, L'Amy, Jeffrey, Fullerton, Moncrieff, Forbes, Cockburn, Jardine, More, Lumsden, Skene, Jameson, Cunninghame, Dundas, Murray, Duncan M'Neill, Ivory, Patrick Robertson, &c. These were the great legal gladiators. I say nothing of the younger counsel who afterwards became eminent; but on looking over the present Roll of Advocates I cannot recognise the names of more than four or five of either the old or young belonging to the time I am alluding to, as now alive,

In Edinburgh, generally speaking, each agent has his own particular set of counsel regularly employed. He does not roam over the Faculty, but keeps strictly to one or more advocates, unless in exceptional cases. In our office we had three counsel, viz., Mr. Hope, son of the Lord President, then, as I have said, Solicitor-General, in after years Lord Justice-Clerk; Mr. M'Neill, subsequently Lord President, now Baron Colonsay in the House of Peers; and Mr. Patrick Shaw, the well-known law reporter, whom I recollect in a writer's office in Glasgow;—excellent, laborious counsel, and uniformly well prepared. It was an intellectual treat to be present at a consultation with them, especially when a heavy case was coming on, hearing their views and opinions on the weak as well as the strong points; and then, when they went into Court, observing the skilful manner in which

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they debated the case against opposing well-matched counsel of renown.

I have alluded to certain peculiarities among some of the members of the Glasgow Faculty. The Edinburgh Bar also afforded scope for remark not less in regard to the varied styles of eloquence, than in personal appearance and manner. I think I see and hear many of them yet. The voices of some were finely modulated, rich, and clear; others, affected and pernickety; a third set were harsh, croaky, and uneuphonious; a fourth, provincially plain, not altogether unpleasing in cadence, but deficent in taste, and creating the idea that more graceful language *might* have helped them. Again, some spoke in torrents; others were tasteful and ornate; another set, fiery and impetuous; others, cool for a time, but warming up into impressive eloquence. Our senior counsel had a not unpleasant burr, and the voice of the second was, and still is, hard and harsh; but both spoke with much fervour and power. In appearance some were handsome, good-looking men; others the very reverse. Some were tall, lean, and shranky; others, dumpy and obese. Most of them wore wigs, but many did not. Jeffrey was one of the latter class, and went about the Outer House with rather an Irish-looking hat. The gowns of some were very shabby, sometimes torn; and I remember one counsel who became a Lord, going about for a time with only half a skirt. Others dressed throughout in proper style; and this was pretty generally the case. So much for the old Judges and the old Bar.

Having completed the ordinary attendance at the law classes in Edinburgh, I passed the examination for, and received a Commission as, a notary-public; and I have the pleasing recollection of having been sworn into office, in presence of the Lords of the First Division, by Sir Walter Scott, who, with his usual benignity, gave the young notary a warm shake of his hand, and wished professional success. I preserve his certificate of having taken the then prescribed oaths, which were in substance that, besides the faithful discharge of notarial duties, I not only fully recognised the King's title to sit on the British Throne, but solemnly abjured the Pope, the Devil, and the Pretender.

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No. 331.

County of LANARK.
City of GLASGOW.

Scheme

UNDER THE

Educational Endowments (Scotland) Act, 1882,

FOR THE

Administration

OF

Baillie's Institution,

APPROVED BY

Her Majesty in Council, 6th April, 1889,

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SEAL.

AT THE COURT AT WINDSOR,

The 6th Day of April, 1889.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS the Commissioners appointed under the provisions of the Educational Endowments (Scotland) Act, 1882, have, in virtue of the powers conferred upon them by the said Act, and of every other power enabling them in that behalf, made a Scheme, relating to Glasgow:—Baillie's Institution.

And whereas all the conditions in regard to the said Scheme which are required to be fulfilled by the said Act have been fulfilled: NOW, THEREFORE, Her Majesty, having taken the said Scheme (copy whereof, numbered 331, is herewith annexed) into consideration, is pleased, by and with the advice of Her Privy Council, to declare, and doth hereby declare, Her approval of the same.

C. L. PEEL.

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SCHEME above referred to.

No. 331.

County of LANARK.
City of GLASGOW.

Educational Endowments (Scotland) Commission.

SCHEME, under the Educational Endowments (Scotland) Act, 1882, for the Administration of the Endowment known as BAILLIE'S INSTITUTION, GLASGOW, hitherto held and administered under (1) Trust Deed executed by George Baillie, residing at 37 Dalhousie Street, Glasgow, late Sheriff-Substitute and Commissary-Depute of the Western District of Perthshire, dated 10th December, 1863; (2) Relative Deed of Directions by the said George Baillie of the same date; both registered in the Books of Council and Session at Edinburgh on 15th December, 1863; and (3) Royal Charter in favour of the Dean, Members of Council, and Clerk of the Faculty of Procurators in Glasgow, as Preceptor, Patrons, and Directors of Baillie's Institution, dated 18th March, 1867.

Preamble.

WHEREAS by said Trust Deed the said George Baillie gave and conveyed to the Dean, Members of Council and Clerk of the said Faculty of Procurators in Glasgow, and to their quorum and successors in office *in perpetuum*, as trustees for the purposes therein mentioned, the sum of £18,000 Sterling, *inter alia*, First, for the purpose of paying the expenses of the trust thereby constituted out of the annual interest or proceeds of the said funds; Second, for the purpose of accumulating the net income of the said trust funds, with the interest and proceeds thereof, during the period of twenty-one years from and after the term of Martinmas, 1863; and Third, for the purpose of applying the whole of the said accumulated trust funds at the end of the said twenty-one years to the erection and endowment of an Educational Institution in Glasgow, to be called "Baillie's Institution," which shall have for its object—1st, To aid the self-culture of the operative classes, from youth to manhood and old age, by furnishing them with warm, well-lighted, and every way comfortable accommodation, at all seasons, for reading useful and interesting books, in apartments of proper size attached to one or more Free Public Libraries provided for them; and 2nd, To afford to the children, male and female, of the operative classes, the means of unsectarian, moral and intellectual instruction, and industrial training, in one or more schools and school-grounds, either gratuitously, or for such small consideration in the form of school fees as the said trustees might think advisable: And whereas the said Deed of Directions contains the following direction to the said trustees: Eighth—

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" If, unfortunately and unexpectedly, it shall be found at the " expiration of the said period of twenty-one years that there is " not a sufficiency of trust funds for establishing and supporting " the two branches of the Scheme stated in my said Trust Deed " namely, both the Libraries one or more, and the Schools, I " hereby specially direct my said Trustees and request the said " Faculty, to abstain, at least for the time, from the execution of " that branch of the Scheme which relates to the Schools, or to " restrict it within such limits as shall leave a clear sufficiency of " funds for the libraries and reading-rooms, one or more, as here- " inbefore directed; " and whereas the said period of accumulation terminated at the term of Martinmas, 1884, and the trustees, finding that there was not a sufficiency of trust funds for establishing and supporting both Libraries and Schools, resolved, in accordance with the direction before quoted, to abstain from the execution of that branch of the Scheme which relates to Schools, and proceeded in accordance with another direction to prepare a Constitution with Rules and Regulations for carrying out the other purposes of the Trust; by which Constitution it was *inter alia* provided that the trust funds should be applied, in the first place, for the purpose of paying the expenses of the trust out of the annual interest or proceeds thereof; and in the second place, to the Establishment and Endowment of one or more Free Public Libraries with reading rooms attached, in one or more convenient and suitable localities in Glasgow to be called " Baillie's Institution." And which Constitution and Rules and Regulations, as well as the proposed appropriation of the trust funds, were duly approved of by the Faculty of Procurators in terms of the Deed of Directions: and whereas the said Trustees, in pursuance of the said resolution, proceeded to establish a Free Public Library in Glasgow, which is now open and in operation; and whereas it is now held that the said Endowment falls within the provisions of the Educational Endowment (Scotland) Act, 1882; and it appears to the Commissioners under the said Act, after due examination, that it is expedient that the governing body of the said Institution should be enlarged, and the administration thereof amended and in some respects altered; therefore the said Endowment shall, from and after the date of this Scheme (being the day on which Her Majesty, by Order in Council, declares her approbation thereof), be held and administered for the purposes, with the powers, and under the conditions and provisions hereinafter set forth.

Future Administration of Endowment.

1. The said Endowment shall henceforth be administered under this Scheme by the governing body hereinafter constituted, which is hereby anew incorporated by the name of " The Preceptor, " Patrons, and Directors of Baillie's Institution," with the whole powers, faculties and privileges which are contained in the said Royal Charter except so far as the same may be inconsistent with the provisions hereinafter contained.

Transference of Property.

2. From and after the date of this Scheme, the whole rights, funds, and investments thereof, and estates, heritable and moveable, belonging to the said Corporation, and vested in the present governing body thereof, shall be transferred to, and vested in, the governing body hereinafter constituted, as trustees for the purposes

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mentioned in the said Trust Deed and Deed of Directions by the said George Baillie, as varied or restricted by this Scheme, without the necessity of any new conveyance.

Constitution and Election of Governing Body.

3. The governing body, hereinafter called the governors, shall consist of twelve persons, of whom

One shall be the Dean of the Faculty of Procurators in Glasgow,

Six shall be elected by the Faculty of Procurators in Glasgow,

One shall be elected by the Magistrates and Town Council of Glasgow,

One shall be elected by the Senatus of the University of Glasgow,

One shall be elected by the Faculty of Physicians and Surgeons in Glasgow,

One shall be elected by the Directors of the Merchants House of Glasgow, and

One shall be elected by the Representatives of the Trades House of Glasgow.

The governors may be elected by the several electing bodies either out of their own number or otherwise. The governors elected by the Faculty of Procurators and the Magistrates and Town Council shall, in the case of the first election, hold office for a period of five years, and thereafter until the first day of August after the expiration of that period. The governors elected by the Senatus, the Faculty of Physicians and Surgeons, the Directors of the Merchants House and the Representatives of the Trades House shall, in the case of the first election, hold office for a period of three years, and thereafter until the first day of August after the expiration of that period. The governors shall, in the case of all elections subsequent to the first, hold office for a period of five years from and after the expiration of the term of office of their predecessors, except as hereinafter provided. Each election shall be made at a meeting convened and conducted according to the ordinary rules and practice of the electing body. Any governor may be re-elected or re-appointed. The first governors shall be elected as soon as conveniently may be after the date of this Scheme. The clerk or other officer of the governors shall, at least one month before the expiration of the term of office of any governor, give notice to the proper electing body as the case may be, and the electing body shall, as soon as conveniently may be after such notice, elect a governor to hold office from the expiration of said term. Any election not made as aforesaid within three months from the date of this Scheme, or from the date of the notice of expiration of a term of office, or from the date of the notice of a vacancy, as hereinafter prescribed, shall in that case be made by the then existing governors.

Vacancies.

4. Any governor who shall intimate in writing his resignation of office, or shall become bankrupt or incapacitated to act, or shall, for the space of one year, omit to attend any meeting of the governors, shall thereupon be held to have vacated office. Every vacancy, whether occasioned by any of the said causes or by death, shall be entered in the minutes, and, as soon as may be after the occurrence of such vacancy, a new governor shall be elected by the body entitled as aforesaid to make such election,

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who shall hold office only until the expiration of the term of office of the governor in place of whom he has been elected or appointed. Notice of occurrence of every vacancy of the office of governor shall be given by the clerk or officer of the governors as soon as conveniently may be to the proper electing body.

Ordinary Meetings

5. The governors shall hold at least two ordinary meetings in the year, at such places or times as they may from time to time determine. Notice of every meeting shall be delivered or sent by post to each governor, by the clerk or officer of the governors, four days or such other time before the meeting as the governors may appoint.

Special Meetings.

6. The chairman or any two of the governors may, for any cause which seems to him or them sufficient, require the clerk or other officer of the governors at any time to summon a special meeting, by a notice in writing, delivered or sent by post to the governors, which shall specify the business to be brought before the meeting; provided always, that if such meeting be summoned at shorter notice than that required for an ordinary meeting, no resolution or motion carried thereat shall take effect unless it is voted for by two-thirds of the governors then in office, or confirmed by a subsequent meeting held not less than seven days thereafter.

Adjournment of Meetings.

7. If at the time appointed for a meeting a sufficient number of governors to form a quorum be not present, or if the business at any meeting be not completed, the governors present may adjourn the meeting to such day or time as they may fix, of which notice shall be given in such manner as the governors may from time to time appoint.

Chairman.

8. The Dean of the Faculty of Procurators for the time being shall be the chairman of the governors and Preceptor of the Institution, and in case of his absence from any meeting, the meeting shall elect a chairman for itself.

Quorum and Execution of Deed.

9. At all meetings of the governors four shall be a quorum. All questions shall be determined by a majority of those present. The chairman of any meeting shall have a second or casting vote in addition to his deliberative vote. All deeds and other writings, sealed by the corporate seal and signed by two of the governors and their secretary or clerk, shall be held to be validly executed on behalf of the corporation.

Minute Book.

10. A minute book shall be kept by the governors, and minutes of all proceedings of the governors shall be entered therein, including resolutions authorising writings or deeds to be executed on behalf of the incorporation.

Power to appoint Committees.

11. The governors may from time to time appoint a committee or committees of their own number for executing any of the purposes of this Scheme, but no such committee shall consist of less than four members. The quorum of Committees and the mode of conducting business at committee meetings shall be regulated by bye-laws to be made by the governors.

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Accounts.

12. The governors shall cause full accounts to be kept of the capital, income, and expenditure vested in, received and expended by them under this Scheme in such form and manner as the Scotch Education Department shall from time to time prescribe. Such accounts shall be kept for each year, from the 1st of January to the 31st of December, and, after the same have been examined and passed by the governors, an abstract thereof, in such form as the Scotch Education Department shall from time to time prescribe, shall be transmitted to the Scotch Education Department; and, after such audit, as is hereinafter provided, shall be published by the governors in one or more of the newspapers circulating in the district.

Business Arrangements.

13. The governors may, from time to time, make such arrangements as may appear to them fit for the custody of all deeds and other documents belonging to the Endowment, for deposit of money, for drawing cheques, and also for the appointment of a clerk or factor or other proper officer, to assist them in the conduct of the business of the Endowment, at such reasonable salaries or scales of remuneration as they may determine; but no governor acting as such clerk, factor or other officer shall be entitled to any remuneration whatever except reasonable travelling expenses when these are incurred in the service of the Endowment. All officers in the employment of the Endowment shall, except as hereinafter provided, hold their offices at the pleasure of the governors.

Casual Profits.

14. Any money arising from the sale of timber, or from mines or minerals on the estates of the Endowment, or any other source which is temporary or occasional, shall be invested by the governors, and form part of the capital fund of the Endowment.

Power to sell, feu, or lease.

15. The governors shall have power to feu or lease the lands and estates belonging to the Endowment at a fair rent or feu-duty, or to sell and convey the same either by public roup or private bargain, provided that the sale be authorised by a resolution passed at a special meeting, and affirmed by not less than two-thirds of the governors for the time being; they shall have power to sell and realise all stocks, mortgages, and other property belonging to the Endowment, and to discharge all securities: they shall invest the money obtained by such sales or discharges in accordance with the provisions of the immediately succeeding section, except in so far as the same may be required for the extinction of debt.

Investment of Funds.

16. The governors shall have power to invest the trust funds in the purchase of any of the Government funds of the United Kingdom or India, or heritable or real property or feu-duties or annual-rents in Scotland, or stock of the Bank of England, or stocks or shares of any Indian railway guaranteed by the Indian Government, or debentures or debenture stocks or preference or guaranteed stocks of any railway of the United Kingdom paying dividend on its ordinary stock, or to lend the same on the security of heritable or real property in Scotland, or of rates or assessments levied by authority of Act of Parliament, or on the security of any of the investments before mentioned, or on deposit receipt in any

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bank having its head office in Scotland, and to vary and change all such investments at their discretion.

Audit.

17. The accounts shall be audited in such manner as the Scotch Education Department may from time to time prescribe, and the cost of such audit shall be paid out of the funds of the Endowment.

First Meeting.

18. Within two months from the date of this Scheme, a meeting of the governors shall be held, upon the summons of the Dean of the Faculty of Procurators. At this meeting they shall make arrangements for the conduct of business; but they shall not at this, or any subsequent meeting, transact any business that is not necessary for the immediate administration of the Endowment until the whole of the first governors are elected.

Transference of Administration

19. The present governing body shall continue to exercise all necessary acts of administration relative to the Endowment, and shall have all powers necessary therefor, until the first meeting of governors is held under this Scheme, and they shall, from and after that meeting, or at such time not exceeding six months therefrom as the governors may appoint, wholly cease to exercise any right or power of administration over the Endowment, and shall cause to be transferred to the governors, in such manner as they may direct, all the books, deeds, and papers, and all cash balances and moveables belonging to the Endowment.

Governors may act though Governing Body not full.

20. Except as herein provided the governors for the time being, if a quorum is formed, may act for all the purposes of this Scheme, although the governing body as hereinbefore constituted is not complete.

Discharge of Governing Body.

21. The governors shall have power to grant a full and effectual discharge to the present governing body of the Endowment, and to the individual members thereof, from all claims competent against them in respect of the said Endowment, on a satisfactory audit of the accounts of the said Endowment, and on compliance with the provisions of the nineteenth section hereof, and shall be bound, if required, to grant such discharge on fulfilment of the said conditions.

Vested Interests.

22. All vested interests of individuals holding any office, place, employment, pension, compensation, allowance, bursary, or emolument under or arising out of the said Endowment, in so far as the same were in existence at the passing of the Educational Endowments (Scotland) Act, 1882, are hereby saved and reserved.

Application of Income.

Application of Income.

23. The whole income and revenue of the said trust funds shall be applied in the first place, for the purpose of paying the expenses of the trust, and in the second place, to the establishment and endowment of one or more Free Public Libraries with reading-rooms attached, in one or more convenient and suitable localities in Glasgow, to be called "Baillie's Institution," according to the directions contained in the foresaid Trust Deed and Deed of Directions,

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Trust Deed reserved.

24. Excepting so far as altered by this Scheme the whole provisions and directions contained in the foresaid Trust Deed and Deed of Directions by the said George Baillie, and in the foresaid Royal Charter, shall remain in full force and shall receive effect in the administration of the said trust.

Residue of Income.

25. The residue of the free annual income, in so far as it has not been applied under the provisions of this Scheme, shall be invested by the governors as soon as it shall amount to £50 and form part of the capital fund of the Endowment.

General Clauses.

Power to apply to Court of Session for alteration.

26. It shall be in the power of the Court of Session to alter the provisions of this Scheme upon application made to them, with consent of the Scotch Education Department, by the governing body or any party interested, provided that such alteration shall not be contrary to anything contained in the Educational Endowments (Scotland) Act, 1882.

Power to make Bye-laws and Standing Orders.

27. The governors shall have power to make such Regulations, Bye-Laws, and Standing Orders as they think fit, in so far as the same are not inconsistent with the provisions of this Scheme, and may alter or repeal the same, provided that such Rules, Regulations, and Bye-Laws shall be approved, altered, or repealed by a resolution carried at a meeting, of which notice is given as herein provided, and affirmed at a meeting, held with notice as aforesaid, not less than fourteen days thereafter.

Additional Donations.

28. The governors may receive any additional donations or endowments for the general purposes of this Scheme. They may also receive donations or endowments for any special objects connected with the Endowments which shall not be inconsistent with, or calculated to impede, the due working of the provisions of this Scheme.

Scheme to be printed.

29. The governors shall cause this Scheme to be printed, and a copy to be given to every governor and officer of the Endowment upon his entry into office, and copies shall be sold at a reasonable price to all persons applying for the same.

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Baillie's Institution
GLASGOW

Scheme
FOR
Administration

6th April, 1

CHARLES BATCHELOR
50 WEST REGENT STREET
Clerk

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